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PART III
GOVERNMENT OF PUNJAB
DEPARTMENT OF JAILS
NOTIFICATION

The 2nd June, 2022

No. G.S.R. 34/C.A.9/1894/S.59/2022.- In exercise of the powers conferred by section 59 of the Prisons Act, 1894 (Central Act No. 9 of 1894) and in supersession of all Government instructions, notifications and prison manual, for the superintendence and management of prisons in Punjab, except with respect to things done or omitted to be done before such supersession, the Governor of Punjab, is pleased to make the following rules, namely:-

RULES

CHAPTER 1

DEFINITIONS

1.01. Short title, application and commencement.-(1) These rules may be called the Punjab Prison Rules, 2022.

(2) They may extend to the whole of the State of Punjab and shall be applicable to all prisons in the State. The administration and management of prisons, prison Staff, convicted prisoners, under-trial prisoners, civil prisoners, female prisoners, young offenders and detainees under preventive sections of laws shall be governed by these rules.

(3) They shall come into force with immediate effect.

1.02. Enactments governing these rules.-The enactments regulating the establishment and management of prisons, the confinement, release, treatment and transfer of prisoners, the maintenance of discipline amongst them and other matters related to prisoners, are as follows:

Part 1 Central and State Acts -

- (a) The Indian Penal Code, 1860;
- (b) The Prisons Act, 1894;
- (c) The Prisoners Act, 1900;
- (d) The Civil Procedure Code, 1908;
- (e) The Identification of Prisoners Act, 1920;
- (f) The Good Conduct Prisoners' Probational Release Act, 1926;
- (g) The Punjab Borstal Act, 1926;

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- (h) The Factories Act, 1948;
 - (i) The Transfer of Prisoners Act, 1950;
 - (j) The Representation of People's Act, 1951;
 - (k) The Punjab Habitual Offenders (Control and Reform) Act, 1952;
 - (l) The Prisoners (Attendance in Courts) Act, 1955;
 - (m) The Foreigners Act, 1946;
 - (n) The Probation of Offenders Act, 1958;
 - (o) Indian Arms Act, 1959;
 - (p) The Punjab Good Conduct Prisoners (Temporary Release) Act, 1962;
 - (q) The Criminal Procedure Code, 1973;
 - (r) The National Security Act, 1980;
 - (s) The Protection of Human Rights Act, 1993;
 - (t) The Repatriation of Prisoners Act, 2003;
 - (u) The Right to Information Act, 2005;
 - (v) The Punjab Right to Service Act, 2011;
 - (w) The Juvenile Justice (Care and Protection of Children) Act, 2015;
 - (x) The Mental Healthcare Act, 2017;
 - (y) The Punjab Prison Development Act, 2020.

Part 2 Rules and Manuals -

- (a) The Punjab Prisons State Service (Class-I) Rules, 1979;
- (b) The Punjab Prisons State Service (Class-II) Rules, 1978;
- (c) The Punjab Jails Department State Service (Class III-Executive) Rules, 1963;
- (d) The Punjab Jail Department Clerical & Technical (State Service Class III) Rules, 1962;
- (e) Punjab State (Class-IV) Rules, 1963;
- (f) Punjab Open Air Jails Rules, 1978;
- (g) The Punjab Financial Rules;
- (h) The Punjab Treasury Rules;
- (i) Punjab Prison Development Board Rules, 2020.

Part 3 Other Minor Criminal Laws, as applicable in the State of Punjab.

Part 4 In addition to the provisions of these rules, relevant standing orders (SOP)/ rules/ Acts issued by the Government and Prisons Department, from time to time, financial and administration related matters of the prisons and rulings of the Hon'ble High Court of Punjab and Haryana and the Supreme Court of India on prison administration, as applicable, shall also be complied with appropriately.

1.03. Definitions.—In these rules, unless the context otherwise requires, -

- (1) **“Act”** means the Prisons Act, 1894 (Central Act No. 9 of 1894);
- (2) **“Adult prisoner”** means any prisoner who is more than twenty-one years of age;
- (3) **“after care service”** means any activity aimed at financial rehabilitation and social integration of released prisoners into the main stream of society;
- (4) **“approved means of communication”** means registered post, electronic means such as e-mail, etc. or any other means of communication as approved by the Government or the Head of Department from time to time;
- (5) **“biometrics”** means physical or behavioral human characteristics that can be used to digitally identify a person;
- (6) **“casual prisoner”** means a prisoner other than a habitual offender and high risk prisoner;
- (7) **“cellular confinement”** means such confinement, with or without labour, that entirely secludes and protects a prisoner from communication with, but not from sight of, other prisoners;
- (8) **“central prison”** means any place so declared by the Government, by general order, and to which ordinarily, convicted prisoners are received for the purpose of undergoing their sentence, by transfer from any other prison. It may also accommodate under-trial prisoners for administrative purposes: Provided that no prison shall be deemed to be Central Prison unless and until the Government notifies it as such;
- (9) **“civil prisoner”** means any prisoner who is not committed to custody under a writ, warrant or order of any court or authority exercising criminal jurisdiction, or by order of a court martial and who is not a detainee;
- (10) **“compartment”** means any room, workshop, godown or other covered, enclosed and protected place in a prison, other than a cell or a ward;
- (11) **“competent authority”** means any officer having jurisdiction and due legal authority to deal with a particular matter in question;
- (12) **“Confinement”** means confinement in a prison and includes detention therein

under any law providing for preventive detention;

- (13) **“Convict”** means any prisoner who has been sentenced for any term by a court of law or tribunal or court martial;
- (14) **“Convicted Criminal Prisoner”** means any prisoner under sentence of a court exercising criminal jurisdiction or court martial and includes a person detained in prison under the provisions of chapter VIII of the Code of Criminal Procedure of 1973 (Central Act 2 of 1974) and the Prisoners Act of 1900 (Central Act 3 of 1900);
- (15) **“Correctional Service”** means any service that is provided pursuant of the Act, or under a program established pursuant of the Act, and includes services related to the assessment, supervision, treatment, training, control, custody, reformation or rehabilitation of offenders;
- (16) **“Court”** means established by any law for the time being in force, and includes any officer or authority vested with the powers of exercising civil, preventive, and criminal or revenue jurisdiction under any law for the time being in force;
- (17) **“Criminal Prisoner”** means any prisoner duly committed to custody under the writ, warrant or orders of any court exercising criminal jurisdiction or court martial and includes a person detained in prison under the provisions of chapter VIII of the Code of Criminal Procedure of 1973 (Central Act 2 of 1974) and the Prisoners Act of 1900 (Central Act 3 of 1900);
- (18) **“Detenue”** means any person detained in prison on the orders of the competent authority under the relevant preventive laws;
- (19) **“Deputy Superintendent (Administration)”** means an officer designated as such by the Government who is a Gazetted Officer. The Deputy Superintendent (Administration) shall deemed to be Additional Superintendent in a Central Prison and Officer in charge/Head of Prison in a Sub-Prison;
- (20) **“Deputy Inspector General of Prisons and Correctional Services”** means an officer designated as such by the Government;
- (21) **“Deori”** means the area between the inner and outer gate of the only entrance of a prison;
- (22) **“Director General, Prisons and Correctional Services”** means an officer designated as such by the Government and shall also include Additional Director General, Prisons and Correctional Services when posted as Head of Department. Further, for the purposes of these rules, the terms Director General and Director General, Prisons, wherever used, shall imply Director

General, Prisons and Correctional Services;

- (23) **“District Prison”** means any place so declared by the Government, by general order, and to which prisoners from one or more districts are, in the first instance, ordinarily committed. It includes every prison other than central prison, special prison, open air prison and sub prison;
- (24) **“District Probation Officer”** means an officer appointed as such by the Government to look after the probation work in a District under Probation of Offenders Act, 1958 and to provide after-care services;
- (25) **“Duty Officer”** means an officer of the rank as specified by the Superintendent, to be the executive incharge of the prison, for supervision of guarding personnel and any emergent situation after working hours and at night;
- (26) **“Deputy Superintendent (Security)”** means an officer designated as such by the Government and shall imply Deputy Superintendent (Administration) in prisons where the post of Deputy Superintendent (Security) does not exist;
- (27) **“family”** means the husband, wife, son, daughter, legally adopted child, father, mother, brother or sister and also includes the grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, father's brother, father's sister, mother's brother or mother's sister of the prisoner;
- (28) **“Foreigner Prisoner”** means any prisoner who is not a citizen of India;
- (29) **“Furlough”** means temporary release from custody, of a convicted criminal prisoner on account of his good behavior over a period of time, as specified by the Act/Rules made in this behalf by the Government, from time to time. The period of furlough shall count towards the awarded sentence;
- (30) **“Geriatric prisoner”** means a prisoner who is sixty years of age or above and medically unable to manage his daily affairs independently without assistance;
- (31) **“Government”** means the Government of the State of Punjab;
- (32) **“habitual offender”** means a prisoner defined as such in the Punjab Habitual Offenders (Control and Reform) Act, 1952;
- (33) **“hardcore prisoner”** shall have the same meaning as assigned to it in the Punjab Good Conduct Prisoners (Temporary Release) Acts; 1962 (Punjab Act No. 11 of 1962);
- (34) **“Head of Department”** means the Director General or Additional Director

General, Prisons and Correctional Services or any other officer notified by the Government from time to time;

- (35) **“high-risk offender/prisoner”** means a prisoner with high propensity towards violence, escape, self-harm, disorderly behavior and likely to create unrest in the prison and threat to public order. It also includes persons intermittently suffering from suicidal tendencies and persons with substance-related and addictive disorders suffering from intermittent violent behavior;
- (36) **“history ticket”** means the ticket exhibiting such information as is required in respect of each prisoner by the Prisons Act, 1894 or the rules made thereunder and also includes a record of all the important occurrences, sanctions accorded and punishments inflicted under the rules;
- (37) **“imprisonment”** means imprisonment as defined in the Indian Penal Code, 1860 and other relevant acts,
- (38) **“inmate”** means any person lawfully kept in a prison under lawful warrant;
- (39) **“Inspector General of Prisons and Correctional Services”** means an officer designated as such by the Government;
- (40) **“institution”** means a place where prisoners are lawfully confined;
- (41) **“juvenile”** means any person who has not attained the age of eighteen years;
- (42) **“kotmauka”** means the area between the outer and inner peripheral walls of the prison;
- (43) **“Legal Advisor”** means a legal practitioner within the meaning of the Legal Practitioner Act, 1879 or the Advocates Act, 1961;
- (44) **“mentally ill prisoner”** means a prisoner who is of unsound mind;
- (45) **“Magistrate”** means any person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure, 1973;
- (46) **“maximum security prison”** means any prison meant for confinement of high risk prisoners including but not limited to dangerous, habituals, professionals, terrorists, and organized types of criminals;
- (47) **“Medical Officer”** means the Senior Consultant or Consultant or Medical officer or other officers possessing medical qualification from a different specialty as the Government may appoint in this behalf;
- (48) **“Medical Subordinate”** means a qualified Medical Assistant, such as Pharmacist, Male Nurse, Female Nurse, Lab Technician, etc.;
- (49) **“Military Prisoner”** means a prisoner convicted by court martial;

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- (50) **“Narcotic Drugs and Psychotropic Substances”** shall mean any drug or substance as defined in the Narcotic Drugs and Psychotropic Substances Act, 1985;
- (51) **“notification”** means any authenticated information published in the Official Gazette, or in any other authorized publication issued by the competent authority of the Government;
- (52) **“offence”** means any act of commission or omission made punishable by any law or under these rules, for the time being in force;
- (53) **“Officer-in-charge of prison”** means Senior Superintendent in a Central Prison and Superintendent in a district and sub prison;
- (54) **“Open Prison, Semi-Open Prison and Open Colonies”** means any place declared as such for the detention of prisoners under any Act or rules for the time being in force;
- (55) **“parole”** means release of prisoners on temporary release under the provisions of Section 3 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 as amended from time to time. Period spent on parole shall not count towards actual period of awarded sentence;
- (56) **“prison”** means any place used permanently or temporarily under the general or special orders of the Government for the detention of persons including under-trial prisoners, preventive detainees, convicted prisoners, civil prisoners or any other person as ordered by a court or a competent authority, and for the aftercare and rehabilitation of convicted persons, and includes all lands and buildings appurtenant thereto, but does not include, -
- (a) any place for the confinement of prisoners who are exclusively in the custody of the police;
 - (b) any place specially appointed by the Government under section 417 of the Code of Criminal Procedure, 1973 (2 of 1974); and
 - (c) any observation home, special home, children’s home, shelter home, place of safety, under the Juvenile Justice (Care and Protection of Children) Act, 2015 and protective home for women set up by the Government;
- (57) **“prisoner”** means any person confined in prison under the order or warrant of a competent authority;
- (58) **“Probation Officer”** means an officer appointed as such by the government to undertake probation work under the Probation of Offenders Act, 1958, any other law, and to provide after care services;

- (59) **“prohibited article”** means an article which is prohibited and declared as such under the Act or these rules;
- (60) **“professional criminal”** means any person convicted of an offence punishable under Chapters XII, XVI, XVII and XVIII of the Indian Penal Code, 1860;
- (61) **“recidivist”** means an offender who has committed another crime after the first one;
- (62) **“under-trial prisoner”** means a person who has been remanded by court to judicial custody with pending investigation by the police or a trial by competent authority;
- (63) **“remission system”** means the remission system as envisaged in Chapter X of these rules;
- (64) **“section”** means a section of the Act;
- (65) **“separate confinement”** means such confinement with or without labor, that secludes and protects a prisoner from communication with but not from sight of, other prisoner, and allows him not less than one hour’s exercise per day and to have his meals in association with one or more prisoners;
- (66) **“special prison”** means any prison provided for the confinement of a particular class or classes of prisoners and notified as such by the Government from time to time;
- (67) **“Standing Order”** means a set of instructions and directions issued by the Head of Department on any aspect of prison functioning as provided in the Act or rules framed thereunder. Such orders shall be valid till superseded by another order on same subject or withdrawn by the issuing authority;
- (68) **“State”** means the State of Punjab;
- (69) **“staff member”** means an employee of the Department of Prisons who exercises powers or performs duties or functions related to the administration of the Act, but does not include a volunteer, a contractor or an employee of a contractor;
- (70) **“sub prison”** or subsidiary prison means any place so declared by the Government, by general order, and used permanently or temporarily under that authority for the detention of prisoners. It includes all lands and buildings appurtenant thereto;
- (71) **“subordinate officer”** means every officer in the prison, except Officer in charge of the Prison;

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- (72) **“Superintendent of Prison”** means an officer who is appointed by the competent authority to be in charge of a prison with such designation as it may specify;
- (73) **“visitor”** means any person other than a prisoner or prison staff member, who is permitted by the Government or by such duly empowered authorities to visit the prison;
- (74) **“young offender”** means any prisoner who is above the age of eighteen years and has not attained the age of twenty-one years;

NOTE: Words importing the masculine gender shall be taken to include females, and words in the singular shall include the plural, and vice-versa.

NOTE: Words and expression used in these rules, but not defined, shall have the same meaning as, respectively, assigned to them in the Act.

- 1.04. Aim of imprisonment and handling of prisoners.**-The aim of awarding prison sentences to convicted prisoners, apart from curtailing their free circulation in society, is to reduce their potential to commit crime and also to provide an opportunity for introspection as well as penance to the individual prisoner. The prison administration shall endeavour to work towards corrections, reformation and improvement in the moral values of prisoners with a view to rehabilitate them in the civil society. For this purpose, each prison may have facilities for moral, physical, educational and vocational training.

CHAPTER 2**CLASSIFICATION OF PRISONS**

2.01. Kinds of Prisons.-There shall be following kinds of prisons, namely:-

- (i) Central prisons
- (ii) Maximum security prisons
- (iii) District prisons
- (iv) Special prisons, and
- (v) Sub prisons

NOTE 1: Every central and district prison shall have a high security building/ enclosure for housing high risk prisoners.

NOTE 2: Capacity of various prisons shall be decided by the Head of Department, and notified from time to time.

NOTE 3: Government, by passing an order, may establish one or more semi-open prison.

2.02. Central Prisons.-(1) Central prison means any place so declared by the Government, by general order, and to which ordinarily, convicted prisoners are received for the purpose of undergoing their sentence, by transfer from any other prison. It may also accommodate under-trial prisoners for administrative purposes.

(2) No prison shall be deemed to be central prison unless and until the Government shall notify it as such.

(3) All central prisons shall be fully equipped for imparting vocational training to convicts. Adequate number of educational and instructional staff shall be posted in all central prisons.

(4) The officer in charge of central prison shall be Senior Superintendent, Central Prison of the rank of Superintendent (Central Prison).

2.03. Power to declare or establish special prisons.-The Government may from time to time, declare any prison or any place or building, by any special or general order, to be a special prison for the purposes of these rules, or establish a special prison at any place within the State.

2.04. District Prison.-(1) District prison means any place so declared by the Government, by general order, and to which prisoners from one or more districts are, in the first instance, ordinarily committed.

(2) All prisons, other than central prisons, special prisons, open air prisons and sub prisons shall be deemed to be district prisons.

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- (3) The officer in charge of district prison shall be Superintendent, District Prison of the rank of Deputy Superintendent (Grade I).
- 2.05. Maximum Security Prisons.-** Means any prison meant for confinement of high risk prisoners including but not limited to dangerous, habituals, professionals, terrorists, and organized types of criminals.
- 2.06. Special Prisons.-**(1) The Government may from time to time, declare any prison to be a special prison for the purpose of these rules, or establish a special prison at any place for confinement of a particular class or classes of prisoners and notify it as a special prison.
- (2) The officer in charge of special prison shall be equivalent to that of Superintendent, District Prison.
- 2.07. Sub Prisons.-** (1) It means any place so declared by the Government, by a general or special order, and used permanently or temporarily, under that authority for detention of prisoners.
- (2) All classes of prisoners may, under certain circumstances, be detained in a sub prison.
- (3) The officer in charge of the sub prison shall be Superintendent, Sub Prison of the rank of Deputy Superintendent (Grade II).
- 2.08. When a Central Prison may also be a District Prison.-**(1) The Government may declare any central prison to be a district prison for all, or any purposes.
- (2) The Government may declare any central or district prison as a special prison, for confinement of particular class or classes of prisoners, high risk prisoners, habituals, professionals, dangerous, and organized type of criminals.
- (3) The Government may declare any central prison or any part thereof, as a Maximum Security Prison, for the confinement of high risk prisoners.
- 2.09. Prison complex to be restricted area.-**Prison Headquarters, Punjab or officer in charge of prison shall declare a prison to be an access restricted area and may restrict access to whole complex or to any part/area in the prison for limited time or for all times. Such restrictions shall be notified through specific standing orders. In Restricted Areas, sign board of ‘Trespassers shall be prosecuted’ shall be installed in the main prison entrance or other suitable and visible locations in English, Punjabi and Hindi languages.

CHAPTER 3**ORGANIZATIONAL STRUCTURE**

- 3.01. Strength of establishment.**-Strength of the establishment shall such, as may be specified by the Government, from time to time, after reviewing and identifying deficiencies in service delivery.

HEADQUARTERS ORGANISATION

- 3.02. Appointment of the Director General, Prisons and Correctional Services.-**

(1) The Government shall appoint a Director General for the administration, management and correctional services of all the prisons in the State of Punjab.

(2) The Government may also appoint, as many Inspectors General, Prisons and Correctional Services, Deputy Inspectors General, Prisons and Correctional Services, Assistant Inspectors General, Prisons and Correctional Services and such other officers and staff, as it may deem fit, to assist the Director General in exercising powers and functions conferred upon him under various Acts, and rules related to prison administration.

- 3.03. Organizational structure at headquarters.**-The organizational structure at headquarters level shall be as follows:-

- (i) the Executive Wing;
- (ii) the Correctional and Welfare Wing; and
- (iii) any other wing, as decided by the Government from time to time, in addition to the above.

- 3.04. Components of the Headquarter Staff.**-(1) The organizational set-up of the Headquarters of the Department of Prisons and Correctional Services shall consist of, but not limited to, the following officers and officials, namely:-

- (i) Director General (may be from amongst the cadre officers or from the All India Services);
- (ii) Inspector General of Prisons and Correctional Services (shall be from amongst the cadre officers);
- (iii) Deputy Inspector General of Prisons and Correctional Services (shall be from amongst the cadre officers);
- (iv) Deputy Controller (Finance and Accounts) and other officers from State Accounts Service as required;
- (v) Assistant Inspector General of Prisons (shall be from amongst the cadre officers);
- (vi) Chief Probation Officer and Chief Welfare Officer (shall be from amongst

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- the cadre officers);
- (vii) Law Officers, of the rank of Deputy District Attorney, Assistant District Attorney;
 - (viii) Deputy Superintendent (shall be from amongst the cadre officers);
 - (ix) Senior Assistant Superintendents, Assistant Superintendents;
 - (x) Account Officers;
 - (xi) Office Superintendents;
 - (xii) Senior Assistants;
 - (xiii) Junior Assistant;
 - (xiv) Stenographers;
 - (xv) Typists/ Computer operators;
 - (xvi) Attendants;
 - (xvii) other supporting and maintenance staff like drivers, Personal Security Officers, security staff, electrician, plumber, sweeper, watchman, care taker, orderly; and
 - (xviii) other officers as the Government may decide, from time to time, for supervision and administration of the prisons in the State.
- (2) All Inspector General of Prisons and Correctional Services, Deputy Inspector General of Prisons and Correctional Services and Assistant Inspector General of Prisons and Correctional Services shall perform such duties and work as may be delegated by the Director General.
- (3) The organizational structure of Headquarters shall be notified by the Government from time to time.
- (4) At the Headquarters, an Information Technology (IT) cell/wing may be established to support, monitor, and establish computerized maintenance of records and statistics in all prisons. The IT cell shall comprise such number of database managers, programmers, system analysts and assistants as decided by the Government, from time to time, to perform a variety of duties like design, implementation and maintenance of management information systems, Enterprise Resource Planning (ERP) system, liaisoning with hardware and software vendors, and to perform a variety of technical tasks related to an assigned area of responsibility.
- (5) At the headquarters, there may be established an “Intelligence and Security Wing”. The mandate being development of intelligence; collation and analysis of data from e-prisons, Prison Inmate Calling System (PICS), other electronic

platforms; supervision of all matters related to security of prisons; conduct of security audits, supervision of Control Rooms at prisons, etc. It shall comprise of such officers and officials of the Department of Prisons as may be decided by the Government, from time to time.

3.05. General functions of Chief Welfare Officer and Chief Probation Officer.-(1)

Chief Welfare Officer shall be responsible for welfare activities of prisoners, management of canteen system, educational programs, vocational training, skill development, etc. in all prisons across the State. The powers and duties of Chief Welfare Officer shall be fixed by the Head of Department from time to time.

(2) Chief Probation Officer shall be responsible for the implementation of the Probation of Offenders Act, 1958, the Good Conduct Prisoners' Probation Release Act, 1926, after care and rehabilitation of prisoners, through District Probation Officers and Probation Officers in all prisons across the State. The powers and duties of Chief Probation Officer shall be fixed by the Head of Department from time to time.

3.06. Authority and powers of the Director General.-(1) The general functions of the Director General shall be, -

- (i) to implement prison policies as laid down by the Government;
- (ii) to plan, organize, direct, coordinate and control various prisons and correctional services;
- (iii) to define the functions and fix lines of authority and channel of command of the prison personnel;
- (iv) to inspect institutions with special reference to care, welfare, training and treatment of inmates, staff training, discipline and welfare;
- (v) to issue instructions regarding management and smooth functioning of prisons and other institutions which are not contrary to these rules;
- (vi) for the purpose of filling leave vacancies or making temporary arrangements, may make appointments of gazetted officers for a period not exceeding three months. Also, to meet any emergent operational or other administrative requirements, may assign additional responsibility to a gazetted officer; and
- (vii) To issue directions or orders consistent with the provisions of the Prison Act or the rules framed thereunder in the form of "Standing Order" or any other format as deemed appropriate.

(2) As Head of Department, the Director General, subject to the general control of the Government, shall exercise all necessary financial, administrative, welfare, modernization and disciplinary powers.

- 3.07. General functions of Inspector General of prisons.**—The general functions of the Inspector General of Prisons shall be, -
- (i) to look after the internal administration and implement the orders of the Director General. Shall also monitor the work of all line officers and cadres in the department;
 - (ii) to sanction expenditure on material and services in the Directorate as delegated by the Director General;
 - (iii) to conduct annual inspection of all range offices in the State and submit findings to the Director General;
 - (iv) to assist the Director General in all matters connected with prison administration and correctional services;
 - (v) to plan and formulate policies of the Department for administrative and operational functioning;
 - (vi) to assist the Director General in matters of budget, expenditure, purchases, contracts and other matters; and
 - (vii) to attend any other work specifically entrusted by the Director General.
- 3.08. Regional organization.**— (1) The State of Punjab shall be divided into three regions and a Deputy Inspector General, Prisons (Circle) shall be posted in each region to assist Inspector General, Prisons and Correctional Services in that region for the purpose of effective and efficient administration, as well as supervision of prisons and correctional services.
- (2) The Deputy Inspectors General shall exercise such authority and power with respect to supervision, control and management of prisons, as may be delegated to them by the Head of Department.
- 3.09. Circle Headquarters Organization.**—(1) There shall be three Circles for Prisons and Correctional Services in the State- Amritsar, Ferozepur, and Patiala.
- (2) The number of prisons in each circle may be increased, decreased, or interchanged by the orders of the Head of Department.
- 3.10. General functions and duties of Deputy Inspector General of Prisons (Circle).**—The Deputy Inspector General of Prisons shall, -
- (i) inspect all prisons within the jurisdiction of his circle, and share a report with the Director General of Prisons;
 - (ii) conduct a performance audit of the prisons within his jurisdiction every year and share a consolidated report with the Director General of Prisons;
 - (iii) immediately report to the Director General of Prisons, all serious breaches

of prison discipline such as escape, suicide, deaths, riots, or any other matter that requires his intervention;

- (iv) perform such duties and work as may be delegated by the Director General, Prisons and Correctional Services from time to time; and
- (v) be the appointing and punishing authority of warders and matrons in his circle. He shall also be the punishing authority of head warders and head matrons posted within his circle after seeking due sanction from Head of Department.

3.11. Adequate Staff for Inspector General/Deputy Inspector General/Assistant Inspector General.-The Inspector General/Deputy Inspector General of Prisons/ Assistant Inspector General shall be assisted by adequate executive, legal, ministerial and other support staff as is necessary for smooth functioning.

3.12. Institutional Organization.-Each institution shall have personnel in accordance with the requirements of security, kind of prison, discipline, duty posts, workload, distribution of functions, and reformative programs.

(1) **Executive Establishment:-**(a) For every prison, a superintendent shall be posted by the Government in the rank and pay scale fixed by it, from time to time. The Superintendent shall exercise supervisory and management control over the prison of which he is in charge, and all its officers shall be subordinate to him.

(b) Controlling officer for the Superintendent shall be the respective Deputy Inspector General, Prisons (Circle), under the overall supervision and direction of the Director General, Prisons and Correctional Services and Inspector Generals of Prisons and Correctional Services.

(c) The Senior Superintendent/ Superintendent of a prison shall be assisted by the following executives, namely:-

- (i) Additional Superintendent/Deputy Superintendent (Administration) shall be the chief executive personnel of the prison, exercising general supervision of work of the prison;
- (ii) Deputy Superintendent (Security) shall maintain the security of the prison and administer the guard;
- (iii) Deputy Superintendent (Correctional Services/Factory) shall superintend the correctional/educational programmes, vocational training, skill development, and undertake activities under the Punjab Prison Development Board in the prison factory/ production centre;
- (iv) Senior/Assistant/Sub-Assistant Superintendents of the prison: Such

number of Senior/Assistant/Sub Assistant Superintendents as may be decided by the Government from time to time, shall assist the Deputy Superintendents in supervising and executing work relating to prison administration, correction and security; and

- (v) other officers and staff as the Government may decide, from time to time, in the management and administration of the prison.
- (2) Guarding Staff:-(a) There shall be adequate number of posts of head warders and warders in the prison. In every prison, where female prisoners are confined, there shall be adequate number of posts of head matrons and matrons.
- (b) In all prisons, there shall be a reserve guard, which shall have warders, head warders and personnel from other forces specially selected for their efficiency in drill and in the use of fire-arms. They shall be under the charge of an efficient Senior/Assistant Superintendent competent to give them a thorough military training.
- (c) To ensure the greatest possible efficiency and discipline in the warder establishment, the general control of such establishment shall be vested in the officer in charge of a prison, subject to the overall supervision and direction of the respective Deputy Inspector General, Prisons (Circle) and Inspector General, Prisons and Correctional Services.
- (3) Medical Personnel:-Details of medical personnel are given in Chapter 29- "Medical Administration" of these rules.
- (4) Welfare Units:-Details of welfare units are given in Chapter 32- "Welfare of Prisoners" of these rules.
- (5) Ministerial/ Administrative Personnel:-Every prison shall have adequate number of administrative staff such as office superintendent, accountants, senior assistants, store keeper, clerks, steno typist, computer operators/ typists, peons, etc. The ministerial and administrative personnel shall work under the general control of the officer in charge of prison.
- (6) Group D staff:-The prisons shall also have such number of Group D staff like sweeper, gardener, cook, etc. as the Government may decide from time to time.

NOTE: Additional details of functions, duties, responsibilities, appointment, promotion, etc. of the prison personnel have been given in the subsequent chapters of these rules.

CHAPTER 4**THE ADMISSION OF PRISONERS**

4.01. Authority of officer.- The authority of an officer in charge of prison to give effect to any sentence, order or warrant for detention, is contained in various sections of the Prisons Act, 1894.

4.02. Reception Centre.-(1) A reception centre shall be earmarked in each prison, where all newly admitted prisoners shall be received, and kept for at-least seventy-two hours to enable study on an individual level. The reception centre's capacity shall be based on the average inflow of new admissions to the prison. It may have separate barracks/cells for under trial and convicted prisoners, open working shed, legal aid room, and an office. The reception centre shall be under an Assistant Superintendent who shall be incharge of new admission.

(2) If there is a prevalence of an epidemic or a notification under the Epidemic Diseases Act, 1897 is in force, no resident of the reception centre shall be taken into the barracks until the expiry of fourteen days' quarantine, from the date of admission or as per the protocol specified by the Government, from time to time.

4.03. No prisoner to be admitted at night.-No prisoner shall, except on transfer from another prison, be admitted into any prison before sunrise and after sunset:

Provided this restriction shall not apply in the case of, -

- (i) female under-trial prisoners, who shall be admitted in prisons at whatever time presented for admission by the police, and on all days including Sunday and prison holidays;
- (ii) male under-trial prisoners, in respect of whom, it is reported by the police on their warrants, by a red ink entry that they are to be identified in an identification parade, and shall be admitted in prisons at all hours, on all days including Sunday and prison holidays; and
- (iii) in case of unavoidable circumstances, the officer in charge of prison shall admit high risk prisoners, in concurrence with the concerned Deputy Inspector General (Circle).

NOTE: All prisoners, including under trial prisoners returning from courts, shall be admitted in prison after lock-up until an hour after the working hours of the courts, as prescribed by the Government from time to time.

4.04. No person to be admitted without a proper warrant.-(1) No person shall be admitted into any prison as a prisoner, otherwise than under a lawful writ, warrant, or order of commitment addressed to the officer in charge of prison, by a competent judicial tribunal or any other competent authority unless accompanied by the

following documents, namely:-

- (i) a warrant in the prescribed form- signed, dated and sealed by the competent authority; and
- (ii) identification rolls containing at least two specific permanent identification marks, and names of close relatives.

(2) There shall be a separate warrant for every prisoner, even if two or more prisoners have been jointly charged. Injured prisoners shall only be admitted after an injury certificate from a competent authority is annexed with the warrants.

4.05. Orientation talks.-Every newly admitted prisoner shall be subjected to a programme of orientation so as to inform him about the rules and regulations of the prison, his rights, duties, entitlement, free legal aid services, discipline, and daily routine. Pamphlets containing the rights, duties, entitlement, discipline and daily routine of a prisoner shall be printed in vernacular Punjabi and distributed so that a prisoner may follow the 'dos' and 'don'ts' and maintain discipline during his confinement. For those prisoners who do not understand Punjabi, the pamphlets may be provided in Hindi or English as per requirement. For illiterate persons, the same shall be explained by the Welfare Officer to him.

4.06. Classification and Security Assessment Committee.-Each central and district prison, and such other institution, as may be specified by the Director General, Prisons and Correctional Services shall have a Classification and Security Assessment Committee comprising of the following officers, namely:-

- (i) Superintendent, Prison (Chairman);
- (ii) Deputy Superintendent (Administration) (Vice Chairman);
- (iii) Medical Officer;
- (iv) Officer in charge of reception centre;
- (v) Deputy Superintendent (Factory) and Deputy Superintendent (Security), wherever they are posted; and
- (vi) wherever possible, correctional/social workers, educational officers and psychiatrists and psychologists may be associated.

4.07. Procedure to be adopted in reception centre on admission.-On first admission to prison, the prisoners shall be kept in a separate reception ward for a period not exceeding seventy-two hours so that the initial formalities for their placement are completed. The procedure to be adopted on their admission shall be as under:-

- (i) a thorough search of prisoners' body and their belongings including their clothes;

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- (ii) removal of prisoners' personal items, and issue of authorized personal belongings;
 - (iii) finger printing, photograph, biometrics and recording of entries in registers;
 - (iv) prisoners shall wash themselves, their clothing, and shall keep themselves suitably groomed;
 - (v) a thorough medical examination by the Medical Officer within twenty-four hours during normal course of time but not later than forty-eight hours of admission. This shall include identification of prisoners suffering from substance related and addictive disorder;
 - (vi) orientation of prisoners to prison rules and disciplinary norms;
 - (vii) a general assessment of prisoners' background and needs, to decide the appropriate placement within the prison as per the principles of basic segregation; and
 - (viii) fixing of diet and issuance of hygiene kit, bedding and clothing as per the rules.

4.08. Search of prisoners on admission.-On admission into a prison, all prisoners shall be thoroughly searched using door-frame, hand-held metal detectors, or through any other device approved by the Head of Department, and all weapons and prohibited articles shall be taken from him. Searches of prisoners shall be made, with due regard to decency and with reasonable privacy. The search of female prisoners shall be made by a matron and only in the presence of females. All prisoners who return to the prison from bail or from courts, shall also be thoroughly searched. Special attention shall be paid to searching their clothes, shoes, sandals, and any other belonging. The clothing of military prisoners shall be returned to the escort.

4.09. Removal of personal belongings/articles from prisoners.-(1)From prisoners sentenced to rigorous imprisonment, every article, whether clothing, money, jewellery, documents or anything else shall be taken.

(2) From prisoners sentenced to simple imprisonment, all property/belongings except papers, letters and clothes shall be taken.

(3) From under-trial prisoners, the same articles shall be taken as from prisoners sentenced to simple imprisonment, except the requisite cooking utensils, if allowed to cook.

(4) From civil prisoner, the same articles shall be taken as from prisoners sentenced to simple imprisonment.

(5) Female prisoners shall be allowed to retain, in moderation, certain ornaments of small value such as mangal sutras, bangles and toe rings. The officer in charge of prison may, however, at his discretion, refuse to allow the retention of these ornaments in any particular case for disciplinary/security reasons.

(6) All monies/cash taken from prisoners shall be deposited in their respective welfare accounts for use by the prisoners during the stay in their prisons.

4.10. Record of property received.- A list of all property of a prisoner taken from him shall be entered in the Property Register, and signed by the Deputy Superintendent (Administration).

4.11. Admission registers to be maintained in respect of newly admitted prisoners.-(1) Separate admission registers for convicts, under-trials and civil prisoners shall be maintained in respect of the newly admitted prisoners in the prison, in which the admitting officer shall record for the purpose of identification. The format for maintenance of these registers has been given in Chapter 42 of these rules.

(2) Such data shall also be maintained digitally in the Integrated Prison Management System.

4.12. Prisoners to be medically examined on admission.-(1) When a prisoner with injuries on his body is admitted into a prison from Police custody, he shall be examined immediately by the Medical Officer. If the examination reveals unexplained injuries which have not been recorded in the medico-legal report accompanying the prisoner, a report shall at once be made to the trial court, concerned District Magistrate and District Superintendent of Police.

(2) Every criminal prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in the Health card of the prisoner; in the admission register by the Assistant Superintendent/ Deputy Superintendent (Administration), his age, state of health, weight, blood pressure, oxygen levels, pulse rate, body temperature, identification marks, diseases (if any) and the class of labour for which the prisoner is fit at the time of admission, along with any other observation, which he may find necessary. The Medical Officer shall verify from the prisoner, about his past sickness and whether he suffers from any chronic health problems or not.

(3) Whenever possible, all incoming inmates at the time of admission shall be examined medically, to ascertain/ rule out any kind of addiction.

(4) Additionally, the medical officer shall also ensure that the Proforma for Health Screening of Prisoners on Admission to Prison circulated by the National

Human Rights Commission is filled, and maintained properly.

NOTE: The decision of the trying Magistrate with regard to the age of all prisoners shall be final for the purpose of the prison records. If, therefore, the officer in charge of prison and the Medical Officer of the prison, find themselves unable to accept his decision in any case on medical grounds, they shall call his attention to the fact through the concerned court.

(5) In case of female prisoner, the search and examination shall be carried out during the presence of a matron, under the general or special orders of the Medical Officer.

4.13. Procedure if a warrant is illegal or unlawful.-(1) If a prisoner is brought to prison without a warrant, or other lawful order, or the warrant is not in an appropriate legal form, or the warrant is found to contain discrepancies in name or identification, the Deputy Superintendent (Administration) shall refuse to admit the prisoner and shall report the matter to the officer in charge of Prison, who in turn shall refer the matter to the concerned Court or District and Sessions Judge, by whose order on the case, he shall be guided as to the treatment of the prisoner.

(2) In case of omissions of the date or signature of the competent authority in the warrant, the same shall be referred to the competent authority over telephone, and the warrant shall be immediately sent back for rectifications.

(3) When a warrant is returned for rectification, a copy shall be retained in the appropriate compartment of the warrant almirah until the original is returned, as given in rule 4.15 of these rules.

(4) If any error or omission, which in the opinion of the officer in charge of prison is due to mere oversight or mistake, is found in any warrant or order of commitment; if the sentence or order passed, though within the competency of the Court or the authority which passed it, is in any way defective in form or otherwise irregular, he may receive the prisoner, subject to reference to such court or authority, as the case may be, for orders.

4.14. Examination of warrant.-(1) All warrants shall be examined to ascertain whether they conform to the Code of Criminal Procedure and the orders of the High Court.

(2) Every warrant shall show the class (habitual or casual) to which the prisoner belongs and in case of those previously convicted, a statement showing the previous conviction shall be attached.

(3) The officer in charge of a prison is justified in refusing to receive or detain

a prisoner in prison on a warrant, to which is affixed a signature, by means of a stamp. But ordinarily, he may adopt the procedure detailed in sub-rule (7).

(4) All warrants must be signed in full (not initials) by the Judge or Magistrate who issues it, and must bear seal of the court.

(5) In the case of prisoners on whom separate sentences are passed, care must be taken about the date mentioned in the warrant of commitment, from which each sentence shall have effect and whether different sentences will run concurrently or consecutively.

(6) In the case of under-trial prisoner, the warrant of commitment for intermediate custody must be prepared with greatest care possible with reference to the above instruction.

(7) The officer in charge of prison shall not refuse to admit the prisoner where the above instructions have not been complied with, but shall draw immediate attention of the Magistrate concerned to the defects in the warrant of commitment and ask for its rectification at once, sending at the same time, a copy of his letter to the District Magistrate (in case the warrant is issued by an Executive Magistrate), Commissioner of Police (in case warrant is issued by Commissioner of Police), and to the District and Sessions Judge (in case warrant is issued by a Judicial Magistrate), for information.

(8) Warrants for the release or remission of sentences of prisoners confined in prison, warrants for the release of prisoners on bail, and intimations of payment of fines sent to prison authorities may, whenever possible, be drawn up in Punjabi and shall be signed in full by such officer, and sealed with the seal of the concerned court. They shall be sent to the prison authorities through an approved mean of communication and not through a private person.

(9) Such orders shall be sent before 05:30 PM during the months of November to February and 06:00 PM between months of March to October to the Prison authorities, through approved means of communication. As far as possible, such orders shall be communicated by the concerned courts to the concerned prison only through official e-mail or any other approved electronic means. Only in exceptional circumstances, shall such orders be transmitted in physical form through special messenger of the court. It shall in no case be accepted when delivered by any private person. All such orders shall be duly verified by the concerned Officer if received through Post or any other approved means of communication. Such prisoners, in respect to whom the orders are received after the above mentioned timings, shall be released as soon as possible on the next day.

(10) There shall be a separate warrant or notice for every prisoner, even if two or more prisoners have been jointly charged or convicted.

(11) Where an accused person has on conviction, been sentenced to imprisonment for a term, the period of detention, if any undergone by him during the investigation, inquiry or trial of the same case and before the date of such conviction, shall be set off against the term of imprisonment imposed on him on such conviction, and the liability of such person to undergo imprisonment on such conviction shall be restricted to the remainder, if any, of the term of imprisonment imposed on him.

(12) In every production warrant issued by concerned Ld. Courts under the provision of the Code of Criminal Procedure, 1973, it shall be mentioned on it by the issuing Magistrate/Judge, under proper seal and signature, whether the accused in question is in custody or not in this case. No prisoner shall be detained in prison merely on the authority of a production warrant, if he has been released in other cases in which he was in custody, as per provisions of clause (b) of section 269 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974):

Provided that when a prisoner has been produced before the Court once on a production warrant, he shall be released only after due verification from the concerned Court.

(13) A copy of remand papers submitted by the police, requesting for remanding the accused to judicial custody, shall be forwarded to the officer in charge of prison, alongwith the custody warrant by the Magistrate/Special Judge, as the case may be.

(14) Section 428 of the Code of Criminal Procedure, 1973 shall be admissible for a prisoner, for the period undergone by a prisoner in prison until his first conviction. When a prisoner is undergoing conviction in one case, the benefit of that conviction period shall not be provided as under-trial period in some other pending case/s.

Example: Prisoner X admitted in prison on 01-01-16 in three different cases bearing FIR No. A, B & C. He was sentenced for a term on 20-10-16 in FIR No. A, sentenced on 25-11-16 in FIR No. B and thereafter sentenced on 30-12-16 in FIR No. C. The benefit of set off period under Section 428 of the Code of Criminal Procedure, 1973 will be given to him only for nine months and nineteen days in all three cases (i.e. w.e.f. 01-01-16 to 19-10-16).

- 4.15. Copy of warrant returned for correction to be kept.-**When a warrant is returned for correction, its photostat copy and/or digital record shall be retained until the original is returned.

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- 4.16. Work allotment to prisoner based on the assessment of the Committee.-**
(1) Work allocation to prisoners sentenced to rigorous imprisonment or prisoners willing to work voluntarily, shall be made based on the assessment of the Classification and Security Assessment Committee. The work allocation shall be made after considering his capacity, medical fitness, skill set, previous mode of life and antecedents. This shall be entered in his history ticket.
(2) Allocation of menial work shall not be based on caste or class of the prisoner.
- 4.17. Committee to ascertain previous character of the prisoner.-**In ascertaining a prisoner's character, the Classification and Security Assessment Committee shall consult police documents, judicial documents and/or any other material available with the prison authorities. If appropriate information to ascertain previous character of the prisoner is not forthcoming from available records, in such case(s), communication with the police of the concerned district/police station shall be made.
- 4.18. Committee to ascertain previous conviction, if any.-**Previous convictions, if any, shall generally appear on the warrant or in the order. The Classification and Security Assessment Committee must not limit themselves with this information, but shall endeavour to ascertain from the prison officers, long term convicts, records of the prison, and records of other prisons, if the prisoner has been previously convicted.
- 4.19. Identification of prisoner.-**Before admitting a prisoner, the prison officer in charge for new admissions shall ascertain from the prisoner, his name and other particulars, and shall correspond with those entered in his warrant. Preferably, the Aadhar card shall be examined before his admission as identity proof.
- 4.20. Procedure when a prisoner has not been identified.-**(1) On receipt of information from the police that a prisoner has not been identified, the officer in charge of prison shall cause the word "Unidentified" to be entered prominently in red ink on the prisoner's history ticket, warrant and in the admission register. When such a prisoner receives or dispatches a letter, the Deputy Superintendent (Administration) who is required to open and inspect all such correspondence, shall make a note of the name and address of the sender or addressee, as the case may be, and if any facts mentioned in the communication, which may afford the identity of the prisoner; he shall forward the same through the officer in charge of the prison to the District Superintendent of Police and District Magistrate of the district from which the prisoner was received. Also, he may try to find out the identification of the said inmate by monitoring the telecommunication afforded to him from the prisons under these rules.
(2) The Deputy Superintendent (Administration) shall similarly communicate to

the District Superintendent of Police, the names and address of relatives or friends who visit the prisoner in prison.

(3) The Deputy Superintendent (Administration) shall communicate with the family members/relatives of the prisoner who visit him in the prison and arrange for Aadhar Card/Ration Card/any other ID Card to establish his identity. Same shall then be communicated to the District Superintendent of Police and District Magistrate of the District from which the prisoner was received.

4.21. Classes and serial numbering of prisoner to be quoted in communications.-

(1) Under-trial prisoners and convicted prisoners may further be classified as per the classification laid out in Chapter 5 of these rules.

(2) Every convict shall receive a serial number corresponding with the entry relating to him in the admission register.

(3) The convict's number and the letter signifying his class shall precede his name, whenever he is referred to, in any official communication.

(4) When any reference is made to the Director General, Prisons and Correctional Services concerning any prisoner, a descriptive roll of the prisoner duly filled in, shall be sent with it.

NOTE 1: When a prisoner is re-captured or re-transferred or remanded to prison during the same calendar year, he shall not have a new serial number or a new entry in the register, but if he be re-captured or re-transferred or remanded in different calendar year, he shall not have a new serial number but his details shall be entered again in the register as new admission, giving reference to the old admission.

NOTE 2: In case of a further conviction during any sentence, the prisoner shall have a new number or page of the register but on every such conviction, an entry shall be inserted containing the particulars relating to the old sentence.

4.22. Intimation to police in case of release of prisoner from the prison.-Intimation regarding release of prisoner shall be sent to the District Superintendent of Police of the concerned district, where the prisoner's house is situated, before his release from the prison.

4.23. Duration of prisoner's sentence or date of release to be calculated and entered in release diary.-(1) The date on which a prisoner is entitled to be released, shall be calculated by the Deputy Superintendent (Administration) and an entry shall be made in the admission register and release diary.

(2) There shall be separate release diaries for under-trial prisoners, convict,

and civil prisoners. Such data shall also be maintained digitally in the Integrated Prison Management System.

(3) In case the term of imprisonment changes, either by the judicial imposition of additional imprisonment or by remission of any part of the sentence, default of payment of fine, etc., the fact shall be noted opposite such entry, and a reference to the date of release shall be made.

(4) The officer in charge of prison shall check each entry in the release diary, and shall be personally responsible for the correctness of such entries, and for any illegal detention of a prisoner or failure to execute a sentence due to negligence.

4.24. Warrants to be arranged according to the date of release.-(1) The prisoner's register number, name, date of sentence, term of sentence, date of admission, and date of release shall be endorsed on his warrant, and the endorsement shall be signed by the Deputy Superintendent (Administration) after examination and comparison with the body of the warrant, and with the entries in the Admission Register.

(2) The warrants shall be arranged according to the date of release, put together in monthly bundles, docketed outside with the month and year, and all the warrants of prisoners to be released in the same month shall be placed in the same bundle. Each bundle shall occupy a separate pigeon hole in the warrant almirah, which shall be kept locked, the keys of which shall be with the Deputy Superintendent (Administration).

(3) Copies of judgements, orders of appellate courts, and orders of Government disposing of prisoner's petitions, together with correspondence relating to payment of fine, and other connected records, shall be filed and kept with the warrant of the concerned prisoner. The final disposal of warrants shall be made in accordance with the provisions contained in Chapter 12 of these rules.

4.25. Prisoners to take bath and wash their clothes.-Every prisoner shall be required to take bath and wash his clothes thoroughly. The private clothing of convicts may be boiled without damage, and stored. If an epidemic prevails in the neighbourhood, from which he comes, his clothing shall also be disinfected. In such cases, special care shall also be taken to cleanse the prisoner's person.

4.26. Production of prisoners, registers and records before officer in charge of prison.-On completion of the necessary entries in the admission register and release diary, the Deputy Superintendent (Administration) shall present these registers and the prisoners with their warrants before the officer in charge of prison within twenty-four hours of admission during normal course, but not later than forty-eight hours. The officer in charge of prison shall sign, digitally

or manually on the registers after satisfying himself regarding the correctness of the entries as per rules. The list of every prisoner's property shall be read over to him by the Deputy Superintendent (Administration), and if the prisoner acknowledges it to be correct, the officer in charge of prison shall initial the same.

- 4.27. Abstract of rule to be read and hung up in a conspicuous place.**-(1) An abstract of the rules relating to the conduct and treatment of prisoners shall be read over to every prisoner as soon as possible after his admission into prison, and proper means shall from time to time thereafter, be taken by the officer in charge of prison, to make every prisoner acquainted within the purport of all such rules for the time being in force.
- (2) A translation of the abstract of the rules, in the Punjabi language in Gurmukhi script, Hindi and English, shall be hung up in every block, and at some other conspicuous place in every prison.
- 4.28. Procedure when representations are not attended to.**-(1) The officer in charge of prison shall, in any case in which his representations have not been attended to by the Court addressed, refer the matter to the District and Sessions Judge under intimation to the Head of Department.
- (2) Pending a reference made under sub-rule (1), the prisoner shall be detained in such manner and with such restrictions or limitations as may be specified in the warrant or order.
- 4.29. No juvenile to be admitted.**-No juvenile shall be admitted in the prison. Any prisoner, who at time of admission in the prison, appears to be juvenile in the opinion of the Medical Officer of the prison, a request for conducting his ossification test shall be sent by the officer in charge of Prison, along with the Medical Officer's report to the concerned Court.
- 4.30. Admission of mentally ill prisoner.**-Any prisoner, who at time of admission in the prison, appears to be mentally ill in the opinion of the Medical Officer of the prison, a request for ascertaining his mental condition as per procedure established in the Mental Healthcare Act, 2017 shall be initiated.
- 4.31. Transgender to be kept separately.**-Transgender shall be kept separately in the male or female ward as per recommendation of the Medical Officer of the prison, after medical examination of the said prisoner.

CHAPTER 5

CLASSIFICATION AND SEPARATION OF PRISONERS

(A) Classification of prisoners

5.01. Classification of prisoners for the purposes of separation.-The Classification and Security Assessment Committee shall ensure that all prisoners, within forty-eight hours of their admission are classified according to their gender, age, legal status, physical/mental health needs, criminogenic needs, length of sentence, security purposes, aptitude, needs regarding reintegration into the community and shall constitute groups among them for the purpose of administration of institutional treatment in the form of educational and vocational training. Such classification shall be subject to quarterly review and re-classification as and when found necessary by the Classification and Security Assessment Committee.

5.02. Classification of prisoners.-Prisoners for purposes of separation as far as possible, may be classified, categorized and kept separate as follows:-

- (i) (S1-Red): Gangsters, drug offenders, violent and rabid religious fundamentalists, naxalites, extremists and terrorists or any other individual characteristics warranting confinement in Security Zone-1;
- (ii) (S2-Blue): Hired assassins, dacoits, serial killers, criminals involved in violent rape incidents or robberies, communal fanatics and those highly prone to escapes, offenders involved in attack on police personnel, offenders prone to self-harm, those posing threat to public order, warranting confinement in Security Zone- 2;
- (iii) (S3- Orange): Prisoners who have threat to limb or life from other prisoners, political prisoners, police officers or any other prisoner facing specific identifiable threat warranting confinement in Security Zone – 3;
- (iv) (S4- Yellow): Those who do not pose any threat to the society, upon release, like those involved in murders on personal motives, other bodily offences, human trafficking, theft/ property offences, prohibition offences, other special and local laws, railway offences and other minor offences;

NOTE 1: The categorization given in clause (i) to (iv) above shall be done on the basis of the inputs provided by the police/intelligence agencies at the time of admission.

- (v) (S5-White): Prisoners who are eligible for Open Prisons;
- (vi) (S6-Green): Elders, sickly, students, etc.;

NOTE 2: The categorization given in clause (v) to (vi) shall be done by the prison authorities.

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- (vii) Adult prisoners from first time young offenders;
 - (viii) Transgender;
 - (ix) Preventive detainee;
 - (x) Civil prisoners;
 - (xi) Public servants;
 - (xii) Political prisoners; and
 - (xiii) Habitual offenders;

NOTE 3: The officer in charge of prison may sub-categorize/classify above categories for administrative convenience.

NOTE 4: Female prisoners shall be classified in the same manner as is provided in the case of male prisoners. However, while classifying female inmates, gender specific needs and health issues shall also be taken into consideration.

NOTE 5: A committee of Superintendent, Deputy Superintendent (Administration), Medical Officer, Welfare Officers, and wherever posted, Deputy Superintendent (Factory) and Deputy Superintendent (Security) of the prison shall determine classification of each prisoner.

(B) Separation of Prisoners

5.03. Accommodation of Prisoners.- The Government shall provide for the prisoners, accommodation in prisons constructed and regulated in such manner, to comply with the requisitions of the Prisons Act, 1894 in respect of the separation of prisoners.

5.04. Separation of prisoners.-(1) In a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings or separate parts of the same building, in such manner as to prevent their seeing or conversing or holding any intercourse with the male prisoners.

(2) In a prison where prisoners above the age of eighteen years and under the age of twenty-one are confined, means shall be provided for separating them altogether from other prisoners.

(3) Under-trial prisoners shall, as far as practicable, be kept apart from convicted criminal prisoners. For administrative purposes, convict watchmen may be kept in barracks wherein under-trials are confined.

(4) Civil prisoners shall, as far as practicable, be kept apart from criminal prisoners.

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- (5) Convicts who have been sentenced to simple imprisonment only, shall be kept separate from convicts who have been sentenced to rigorous imprisonment unless they elect to work.
- (6) Civil prisoners who are confined under the orders of any authority other than a judicial tribunal, shall be kept separate from prisoners who are confined under process of a civil or revenue court or authority.
- (7) Prisoners classified under security category (i) to (iv) of rule 5.02 shall be kept separate from each other.
- (8) The officer in charge of prison may sub-categorize/classify the categories given in rule 5.02, and cause separation accordingly in the view of administrative convenience.
- (9) Transgender prisoners shall be kept separately in male and female enclosures respectively based on their medical examination and recommendation of Medical Officer of the prison. As far as possible, a separate washroom/toilet may be provided for transgender prisoners.

5.05. Exception to the rule regarding separation.-When in any prison, only one prisoner exists in any class and separation, such prisoner may, if he so desires be permitted to associate with prisoners of another class: Provided that the class with which such prisoner is permitted to associate, shall be determined by the officer in charge of prison, and that the provisions of Prisons Act, 1894 shall not, in any case be infringed by the permission so accorded.

5.06. Convicts to be separated.-All convicts shall, so far as the requirements of labor and cell accommodation of the prison allow, be kept separate both by day and by night.

5.07. Occupation of vacant cells.-If, in any prison at any time, all the cells are not in use for purposes of punishment or otherwise, the vacant cells subject to the following conditions, be occupied by convicts, for purposes connected with the separation of prisoners under these rules, namely:-

- (i) if there are young offenders in the prison, and there are not sufficient means for separating them by night to the young offenders' ward, the cells shall, in preference to any other class of prisoners, be occupied by young offenders for this purpose;
- (ii) prisoners falling under security category (i), (ii) and (iii) of rule 5.02 shall be confined separately in cells;
- (iii) under-trial prisoners may be confined separately in cells, when according to the opinion of the officer in charge of prison in which they are confined, it is

necessary in the interests of prison discipline to do so or under the orders of the Head of Department; and

- (iv) prisoners suspected of malingering, causing sickness or injury to themselves by the use of deleterious substance, or those who are suffering or are suspected to be suffering from any communicable disease.

5.08. Separation to be as complete as possible.-Subject to the provisions of rule 5.04, separation of various classes of prisoners shall be carried out both by day and by night to the fullest extent, and means available admit. If there are not a sufficient number of toilets, feeding and bathing platforms required to keep the classes completely apart, such arrangements for separation shall be made in accordance with practicable circumstances.

CHAPTER 6

HISTORY-TICKETS

6.01. History tickets, their preparation and maintenance.—(1) A history ticket, for every prisoner, shall be generated/made immediately on his admission into prison, which shall be maintained in the manner here-in-after provided throughout the period during which such prisoner remains in confinement. Such data shall also be maintained digitally in the integrated prison management system. Endeavour shall be made to fully digitize history tickets with inclusion of digital signature facility for the concerned officers.

(2) Every history ticket shall contain the following particulars wherever applicable, namely:-

- (i) name, prison number and other particulars necessary for the identification of the prisoner (including Aadhaar number of the prisoner) along with his photograph;
- (ii) a brief entry of every order passed and direction given relating to and punishment inflicted on the prisoner;
- (iii) a brief record of every other occurrence of any importance, affecting the prisoner, which takes place while he remains in confinement;
- (iv) prisoner's nominee who is to be handed such prisoner's property, howsoever applicable;
- (v) prisoner's accommodation address (along with change in it, whenever applicable) in the prison;
- (vi) brief health history and present health condition;
- (vii) total number of cases;
- (viii) status of his appeals if so; if appealed through private lawyer then credentials of lawyer to be mentioned;
- (ix) classification of convicted prisoners on the basis of his dangerousness shall be mentioned;
- (x) any educational qualification and skills (includes both, acquired before and after his admission to prison); and
- (xi) his duty as watchman/nigran.

(3) The history ticket of every convict shall contain the following further particulars, namely:-

- (i) the nature of the offence of which he has been convicted and the provision of law applicable thereto;

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- (ii) the date, nature and extent of sentence passed;
 - (iii) period undergone under Section 428 of the Code of Criminal Procedure, 1973; and
 - (iv) detailed previous history of convict's decided and pending cases.
- (4) The history ticket of every under trial prisoner shall contain the following further particulars, namely:-
- (i) FIR number along with date;
 - (ii) police station where FIR is registered;
 - (iii) brief facts of the offence;
 - (iv) his approval to do labour;
 - (v) his conduct in prison; and
 - (vi) his written approval to act as watchman/nigran.
- (5) Every entry made on the history ticket shall be so made at the time of, or as soon as possible after, the occurrence of the event to which it relates, and shall be dated and signed by the officer who maintains it.
- (6) A duplicate history ticket shall be issued when the original history ticket is lost. The new history ticket will be marked duplicate and signed by the competent authority. The ticket shall be reconstructed by registering all previous entries.
- (7) Subject to the requirements of this rule, Head of the Department may, from time to time, specify the form of history ticket.

6.02. Entries by the Medical Officer in history-tickets.—(1) In the heading of the history ticket of every prisoner, the Medical Officer shall enter or cause to be entered under his supervision,-

- (i) the prisoner's weight on admission;
 - (ii) his state of health;
 - (iii) the class of labour, which he is fit for along with the reasons, if sentenced to labour; and
 - (iv) brief mentions of his then present mental state.
- (2) He shall also subsequently enter or cause to be entered,-
- (i) admission to and discharge from hospital on every occasion, with the disease for which admitted;
 - (ii) admission to and discharged from the convalescent group; and
 - (iii) necessity for segregation of any prisoner.

(3) The Medical Officer shall himself enter such other directions or recommendations as he may from time to time consider necessary for the maintenance of the health of the prisoner.

(4) The Medical Officer shall himself enter such brief note about the diet prescribed and approved under rule 24.08 of the Chapter 24.

6.03. Particulars to be entered and the officers to enter them.—(1) On the history ticket of every prisoner shall be entered such entries that may be applicable, namely:-

- (i) the date of admission into prison;
- (ii) the number and name of every article of clothing and equipment, issued on admission and subsequently;
- (iii) the particular work and task to which the prisoner is put;
- (iv) every change of work or task on other than medical grounds;
- (v) any complaint made by the prisoner of sickness or report of his sickness;
- (vi) the action taken on any direction or recommendation of the Medical Officer;
- (vii) application for a copy of judgment, if the prisoner desires to appeal;
- (viii) receipt of the copy of judgment;
- (ix) dispatch of appeal;
- (x) substance of the order of the appellate court, in case of special remission officer in charge of prison's order number date to be mentioned;
- (xi) the fact of an appeal not having been made before the expiration of the term allowed for appealing;
- (xii) the amount of remission awarded quarterly;
- (xiii) the total remission in days earned upto, the end of each quarter;
- (xiv) every prison-offence committed;
- (xv) every interview allowed and the receipt or dispatch of private letters;
- (xvi) dispatch to a court, or transfer, discharge, escape or death;
- (xvii) any recommendation of the Deputy Superintendent (Administration), or Deputy Superintendent (Factory) or the Deputy Superintendent (Security);
- (xviii) a list of visitors expected;

- (xix) action taken on any order entered by the officer in charge of prison;
- (xx) location in a cell by day or night;
- (xxi) brief note of quarterly medical checkup; and
- (xxii) particulars of confinement in high security cells and reasons thereof.

(2) The entry pertaining to clause (xx) and (xxii) shall be made by the Deputy Superintendent (Security).

(3) The provisions regarding under trial prisoners, mentioned in sub-rule (4) of rule 6.01 shall be entered by the concerned officers similar to convicted prisoners.

The entries pertaining to clauses (i), (ii), (v), (vii), (viii), (ix), (x), (xi), (xiv), (xv), (xvi), (xvii) and (xviii) shall be made by the Assistant Superintendent; entry (xii), (xiii) shall be made by the Assistant Superintendent or any other officer authorized to award remission, and entry (v), (xxi) by the Medical Officer or by an Assistant Superintendent or pharmacy officer, if deputed to assist him. Entry (iii) and (xix) shall be made by the Deputy Superintendent (Administration); when there is not an officer of this grade, it shall be made by the Assistant Superintendent. The duty of making the entries (iv), (vi), and (xix) shall not be delegated to any officer subordinate to the Deputy Superintendent.

NOTE 1: As regards (xix), it shall be the duty of the Deputy Superintendent (Administration) to make the entries, unless the officer in charge of prison appoints some other executive officer not below the rank of Assistant Superintendent to carry it out.

NOTE 2: No adverse entries are to be made on history ticket without the orders of the officer in charge of prison.

6.04. Certain entries to be ensured by the officer in charge of prison.-On the history ticket of every prisoner, the officer in charge of prison shall record, -

- (i) any special order he may have to give relating to any prisoner, e.g. permission to hold an interview or to write a letter, separation by night etc.;
- (ii) the award of every punishment;
- (iii) sanction for employment on extra-mural work;
- (iv) the award of special remission; and
- (v) any reward or appreciation for acquiring any special skills or any out of turn special work done by the prisoner.

NOTE: In case of under trial prisoners or civil prisoners, entries related to (a), (b) and (c) shall be entered.

- 6.05. Custody and management of history ticket.**-The history ticket of all the prisoners shall be kept in a proper receptacle alphabetically by the Head Warder in charge 'Chakkar' (Prison controlling unit) under the supervision of Assistant Superintendent of Prisons and shall be produced by him whenever required by any officer of the prison. It shall go with the prisoner whenever he is sent to hospital, or is transferred from one prison to another prison. At the weekly parades, each prisoner shall hold his ticket in his hand for inspection. The history ticket shall be produced, with the prisoner, whenever he is reported for an offence, or is brought before the officer in charge of prison or Medical Officer for any reason.

NOTE 1: At weekly inspection, the tickets shall be issued just before, and removed immediately after, the inspection by officer in charge of prison.

NOTE 2: The history ticket shall be shown to the convict once a year and his signature or thumb impression shall be registered to acknowledge the same.

- 6.06. Retention of history ticket.**-The history ticket of a prisoner shall be retained in safe custody, -

- (i) in case of an under trial prisoner, for a period of fifteen years from the date of his release on bail or death and
- (ii) in case of a convicted prisoner, for a period of ten years from the date of his release or death.

CHAPTER 7**PRISONER'S PROPERTY**

- 7.01. List of property to be attached to warrants.**-(1) A list of all money, clothing or any other property confiscated from any prisoner on his admission to prison (in a form as specified by the Director General through a standing order) shall be attached in each case with the prisoner's warrant and shall also be recorded in the prisoner's Property Register as well as maintained digitally in the Prison Management System.
- (2) The property of civil prisoner shall be entered in the civil prisoner's Admission Register.
- (3) All additions, erasures or alterations to the list of any prisoner's property shall be initialled by the officer in charge of prison/Deputy Superintendent (Administration).
- (4) Reasonable amount for meeting expenditure in connection with engaging counsel for defence by a prisoner, or for expenditure at prison canteen or at paid communication facilities provided in the prison, or for expenditure on travel to his destination on release from the place of his detention, may be deposited by friends and relatives of a prisoner with the officer in charge of prison, as specified by the head of the department from time to time.
- (5) Account of the same shall be maintained in a separate register regarding prisoner's cash.
- 7.02. List of property to be read over and every entry to be attested.**-(1) Every prisoner shall, as soon as possible, after his first admission to prison, have read over to him, in the presence of the officer in charge of prison, a list of all property of whatever description which was confiscated from his person or received with such prisoner at the time of his admission. Such data, along with a digital image of the prisoner's property, may also be maintained digitally in the Prison Management System. The Deputy Superintendent (Administration) shall match and verify these belongings from the digital image in the integrated prison management system when the prisoner collects them on release.
- (2) If the prisoner acknowledges the correctness of the list, the fact that he does so, and if the prisoner makes any objection of any entry in or to the omission of any article from the list, the nature of the objection shall be noted on the list.
- (3) If the prisoner can write, he shall be required to sign the list in token of the correctness thereof and of the objections (if any) noted thereon.
- (4) The Deputy Superintendent (Administration) shall attest every entry in the

list by initialling the same.

NOTE: When such property is handed over by an official receiving it, to another official, the receipt of the latter official will be taken in Register no. 1, 2, or 3, as the case may be, and all such property shall, with the exception of clothing, be kept in charge of the Deputy Superintendent (Administration).

- 7.03. Property to be received, when exception may be made.**-(1) Any property received with or found on the prisoner on his admission to prison or subsequently sent by the Magistrate on his account, shall be received by the prison authorities.
- (2) Property tendered by the relatives of any prisoner, on his behalf, either at the time of such prisoner's admission to the prison or subsequently, may, at the discretion of the officer in charge of prison, be either received or refused.
- 7.04. Property received after admission to be entered in list.**-When any property, after the admission of any prisoner to the prison, is received by the officer in charge of prison on his behalf, such property shall be entered in the list of property belonging to such prisoner in the manner prescribed in the case of property taken from or received with the prisoner at the time of his admission to the prison.
- 7.05. Treatment of property of prisoner.**-Prisoner's property shall be dealt in accordance with the following provisions, namely:-
- (i) Such articles as are, in the opinion of the officer in charge of prison, of perishable nature or are likely to deteriorate by keeping, or to involve expenditure in the keeping, shall unless with the consent of the prisoner to whom they belong, be handed over to any relative or friend of such prisoner, be sold and the sale-proceeds thereof credited to the prisoner's account and a note to that effect shall be made in the list of the property of such prisoner, and attested by the officer in charge of prison.
 - (ii) If, by reason that any prisoner is, at the time of his admission to the prison or at any subsequent time, suffering or likely to suffer from any contagious or infectious disease, or on any other sanitary grounds, the Medical Officer shall certify that any article of clothing or bedding or the like belonging to any prisoner, must be destroyed, the officer in charge of prison shall cause the same to be destroyed accordingly and a note to that effect be made in the list of the property of such prisoner and shall attest the note so made.
 - (iii) If any article of clothing or bedding or the like belonging to any prisoner is, in the opinion of the officer in charge of prison, in such a damaged or filthy state as not to be worth keeping, or fit to be sold, he shall cause such article to be forthwith destroyed and a note to that effect be made in the list of the

property of such prisoner and shall attest the note so made.

- (iv) The clothing of every prisoner sentenced to a substantive term of rigorous imprisonment of three years or more shall, if not liable to be destroyed under the preceding provisions of this rule, on the confirmation of the prisoner's sentence or if no appeal is made, on the expiration of the time allowed for appealing, be sold and the proceeds credited to the prisoner's account and a note to that effect made in the list of the property of such prisoner, and attested by the officer in charge of prison.
- (v) Subject to the preceding provisions of this rule, the property (other than property with regard to which any special provision, is hereinafter made) of every prisoner the term of whose substantive sentence of imprisonment is less than three years shall be carefully packed, stored and kept.
- (vi) The jewellery (weighed and photographed), trinkets, securities and other valuables (if any) of every prisoner shall be placed in a separate packet and the prisoner's register number, name and the date of sentence shall be endorsed thereon. Every such packet shall be kept in the prison cash chest.
- (vii) Every under trial prisoner may be allowed to retain one pair of shoes (without sponge soul and long laces)/chappals for use in prison. Such under trial prisoners may be allowed to retain a comb, two blankets, one mat, a durry 6'x3', a soap dish, soap, a pair of towels, a pair of night dresses, a pair of bed sheets, a tooth brush, paste, one plate, one glass, one mug and one bucket (fully plastic) and any other essential item as provided for in these rules. Convicts shall be allowed to retain 1 comb, 1 pair of shoes (without sponge soles and long laces), chappals, 1 mug and 1 bucket (fully plastic) for use in prison in addition to those items provided for by the prison administration.
- (viii) Hindus who wear sacred thread may retain it when confined in a prison. Sikhs may be allowed to retain a thin Kara (iron bangle) and three-inch long holy symbols; if he wears long sword then it may be replaced by three-inch long holy symbol. The sword shall be kept with due sanctity in the place earmarked by the prison authorities as per religious decorum. Sikhs may be allowed to wear turban. Prisoners of other religions may be allowed essential religious symbols/accoutrements with the approval of officer in charge of prison, provided no such article shall be allowed which can be used as an instrument of offence.
- (ix) Female prisoners may be allowed to retain certain moderation ornaments of small value such as bangles (plastic), toe-rings, nose-rings and mangal sutra,

which must be entered on the history-tickets and initialled by the Deputy Superintendent (Administration). Officer in charge of prison may, however, at his discretion refuse to allow the retention of ornaments in any particular case for disciplinary reasons. The female prisoners shall be responsible for the safe custody of such articles.

- 7.06. Clothing to be stitched in bundles and labelled.**-(1) The clothing belonging to any prisoner retained in the prison under the provisions of clause (v) rule 7.05 of shall be first thoroughly washed and stitched into bundle before being stored.
(2) Every bundle shall be labelled with the number, name and date of sentence of the prisoner and arranged in the prisoner's property godown according to the month of sentence.
- 7.07. Money of prisoners.**-(1) All amounts of cash, belonging to any prisoner, shall be deposited in the welfare account of such prisoner, for its use during his stay in prison.
(2) The residual money in the welfare account of the prisoner shall be handed over to him on release.
- 7.08. Disposal of property on transfer of a prisoner.**-On the transfer of a prisoner from one prison to another, all of his money and any other property shall be transferred to the prison to which he is transferred.
- 7.09. Disposal of clothing of certain prisoners not transferred.**-The clothing of every prisoner sentenced to three years or more shall, whenever possible be disposed of as laid down in clause (iv) of rule 7.05, before the prisoner is transferred to any other prison.
- 7.10. Property tendered for certain prisoners not to be received.**-Property tendered at a prison, on behalf of a prisoner already transferred to another prison, shall not be accepted, but the person who tenders the property shall be informed of the prison to which the prisoner has been transferred, so that he may send the property to him.
- 7.11. Property may be handed over to a relative.**-The officer in charge of prison may, at the request or with the consent of any prisoner, at any time make over the whole or any part of the money or any other property belonging to such prisoner, which may be in the keeping of the officer in charge of prison, to any person (not being a prisoner) whom such prisoner may specify:
Provided that the officer in charge of prison may withhold and retain so much of the money or other property of such prisoner as he may think necessary for the purpose of providing such prisoner with sufficient clothes and money upon his release.

- 7.12. Disposal of forbidden article found on prisoners.**-Any prohibited article found on any prisoner after his admission into any prison shall be confiscated, and all money so confiscated or realised from the sale of any article so confiscated, shall be credited to the Government in the public treasury:
- Provided that the officer in charge of prison may award any sum, not exceeding one-half of any money or of the sale-proceeds of any property so confiscated, to any person concerned in the finding or discovery thereof.
- NOTE:** Sums of money confiscated, as well as sale-proceeds of confiscated property, shall be paid into the treasury under the head of receipts of the prison department.
- 7.13. Disposal of property of an escaped prisoner.**-The money and any other property of every prisoner who escapes, shall be retained at prison from which he effected his escape for one year after the date of his escape. If the prisoner is not recaptured within this period, his money and other property (if any) shall be handed over to the police as being unclaimed property.
- 7.14. Property of deceased prisoners.**-The money and any other property of deceased prisoner shall, unless the prisoner had nominated any person or if not so, claimed by a person holding a succession certificate, probate or letters of administration entitling him to receive it, be handed over to the police as being unclaimed property.
- NOTE:** When a prisoner dies, notice of his death shall be sent to his family at his known address and the District Magistrate of the district to which he belongs. If within three months no person, duly authorized to receive the property under the conditions laid down, lodges claim to it, such property shall then be handed over to the police.
- 7.15. Procedure when forwarding unclaimed property.**-(1) With the property handed over to the police under the preceding rule, descriptive roll of the deceased prisoner and a certified copy of the record of such property, shall be forwarded along with it.
- (2) Any wish expressed by a dying prisoner as to the disposal of his property, shall be made known to the police to whom the property is handed over.
- (3) A receipt shall be obtained for all unclaimed property handed over to the police.

CHAPTER 8

DISCIPLINE AND DAILY ROUTINE

- 8.01. Removal from wards, lock-ups; strict discipline by day and night.-(1)**
Prisoners, other than those who may at any time be lawfully confined in cells by day and night, shall be removed from their sleeping wards, cells and other compartments, as soon after day-break as possible, and shall be placed in their proper sleeping wards and locked up for the night, before sunset.
- (2) Every prisoner shall be counted and locked up in the barrack, ward or cell during noon hours, as per need, decided by the officer in charge of prison. Prisoners who are working in the workshop or outside farm shall be counted at their respective workplaces. Prisoners shall be kept and shall remain under strict order, discipline and control both by day and night.
- 8.02. Movements how to be conducted.-**Movements of prisoners shall be conducted in the following manner, namely:-
- (i) All movements of prisoners shall be conducted in an orderly and regular manner under strict control. During lockout time, the prisoners shall remain in the courtyard areas of their barracks. Prisoners in each unit block shall be given separate timings for coming into the central court yard for relaxation, games or for visiting hospital, canteen, interview etc.
 - (ii) The officer in charge of prison shall fix a detailed schedule of movement of prisoners regarding their daily activities related to Prison Inmates Calling System (PICS), canteen, hospital, educational and vocational classes, social and religious activities apart from court appearances, interviews and video conferencing or any other work/activity.
 - (iii) The Assistant Superintendent (in charge of central control tower), under immediate supervision of the Deputy Superintendent (Administration) and Deputy Superintendent (Security) shall, with the assistance of Chief Head Warder, ensure that the fixed schedule is strictly adhered to by the prisoners. Any inconvenience or breach of discipline or any change or requirement shall be reported forthwith to the officer in charge of prison, Deputy Superintendent (Administration) and Deputy Superintendent (Security).
 - (iv) The Head of Department may, in his discretion, from time to time, issue detailed directions as to the manner in which the order, discipline and control, prescribed in the preceding rules, is to be maintained.
- 8.03. Prisoners to obey lawful orders.-**Every prisoner shall obey every lawful order issued to him by any prison official.

- 8.04. Unlocking wards and counting prisoners at day-break.-** When the bell or gong is sounded at day break, the warder on duty inside the wards shall wake the prisoners and supervise the folding of their bedding. The prisoners, each having neatly arranged his bedding on his sleeping berth or plinth, shall then sit in double file down the centre of the ward. On the arrival of the Deputy Superintendent (Administration), Assistant Superintendent and Head-warders, the wards shall be opened, the prisoners shall be marched out in pairs, searched, counted and their numbers checked with the entries in the lock-up register.
- 8.05. Daily routine after wards are opened.-** The daily schedule for work, training and other activities of prisoners shall ordinarily be as follows:-

Morning Programme

	Summer Time April 15 to September 15	Winter Time September 16 to April 14
Lock out/Roll call	Around 6 AM	Around 7 AM
Morning tea/bread	6.15 AM	7.15 AM
Yoga/PT	6.30 AM – 7.15 AM	7.30 AM – 8.15 AM
Fall in for group formation for work/study/hospital parade	8.00 AM	9.00 AM
Work/vocational training /literacy classes	8.15 AM - 9.45 AM	9.15 AM – 10.45 AM
Morning meal	9.45 AM – 10.15 AM	10.45 AM – 11.15
Work/vocational training/literacy classes	10.30 AM – 5.00 PM	11.15 AM – 5.00 PM
Counting and lockup	12.00 Noon	12.00 Noon
Lock out	3.00 PM	3.00 PM

Those who are on specific tasks of work or vocational training shall continue to work or undergo training during afternoon lockup and shall be counted at their place of work/training. Such working hours shall be upto 05.00 PM. Those who are deputed for literacy classes in the forenoon shall be deputed for work/vocational training in the afternoon and vice versa. Literacy classes shall be held from 08:15 AM – 09:45 AM and 10:30 AM to 12:00 noon in the forenoon and two hours in the afternoon during summers. During winters, such classes shall be held from 9.15 AM to 10:45 AM and from 11:15 AM to 12:45 PM in the forenoon and two hours in afternoon. Literacy classes shall be held as far as possible block wise.

Afternoon Programme

	Summer Time	Winter Time
Mid-Day Meal	3.00 PM	3.00 PM

Maintenance work	3.00 PM – 5.00 PM	3.00 PM – 4.00 PM
Games	5.00 PM – 6.00 PM	4.00 PM – 5.00 PM
Evening meal	6.00 PM	5.15 PM
Evening roll call	6.30 PM	5.45 PM
Lock up	6.45 PM	6.00 PM
Light out	10.00 PM	10.00 PM
Working Time	9.00 AM – 12.00 Noon	9.00 AM – 12.00 Noon
Prison Dispensary (OPD)	Medical Officer shall be on call for duty at other times	Medical Officer shall be on call for duty at other times
Afternoon OPD	3.00 PM – 5.00 PM	3.00 PM – 5.00 PM
Prison Hospital	8.00 AM – 9.00 AM	8.00 AM – 9.00 AM
	5.00 PM – 5.30 PM	5.00 PM – 5.30 PM

NOTE 1: The officer in charge of prison may make minor changes in this schedule, as per needs. This schedule may be reviewed by the Head of Department and necessary instructions/guidelines in this regard may be issued from time to time.

NOTE 2: Schedule of lock-up and lock-out time shall ordinarily be notified by the Head of Department twice a year.

8.06. Procedure after morning toilet parade.- On completion of the morning routine as mentioned in rule 8.04, tea with biscuits shall be served to the prisoners as per procedure described in rule 8.05.

8.07. Prisoners' movements to be directed; arrangement in pairs.- Whenever prisoners are marched from one part of the prison to another or are sitting or standing in a group, except when at meals or at work or when paraded for inspection, they shall be arranged in files of pairs and shall rise, move forward, stop or sit down at the word of command or signal. At parades, the signal shall usually be the stroke of a bell or gong and the movements shall be carried on simultaneously in all parts of the prison.

8.08. Prisoners to salute at the word of command.- Prisoners shall be required to salute the Deputy Superintendent (Administration) or other officer(s) superior to the Deputy Superintendent (Administration), at the word of command of their officer in charge, in the following ways:

“Halt”- to stand still, if marching;

“Rise”- to rise from the sitting position; and

“Attention”- to stop work, if working.

When it is desired to conclude the salute, the following words of command shall be used:

“March”- to move forward;

“Sit”- to assume the sitting position; and

“Work”- to resume work.

8.09. Arrangement in groups and march to work.- On completion of early morning meal, prisoners shall be allowed to wash their hands and feeding vessels, and thereafter shall be arranged in groups according to the group book. Each group shall be handed over to a responsible officer and marched to its working place.

8.10. Arrangement of spare clothing at work.- Every prisoner going for work shall carry his working dress and utensils for tea and water. The remaining kit and utensils shall be kept in a locked receptacle provided for the purpose in the barracks.

NOTE: Head warders or warders concerned shall be responsible for ensuring that the bedding and clothing of prisoners, not in use, is kept well-arranged and folded in the wards after the prisoners leave the barracks for work.

8.11. Prisoners to be locked in work sheds.- The gate of every work-shed shall be kept locked after prisoners have entered, and the key shall be kept by the official in charge of the group, or, if there is more than one group, by the senior officer, who shall be held responsible that no prisoner passes into or out of the work-shed without proper permission.

8.12. Access to urinal and toilet at all hours.- Every prisoner shall have access to urinal and toilet at all hours, but frequent use of toilet by any prisoner shall be reported to the Medical Officer, who shall place the prisoner under observation in a cell, and if there is reason to believe that he visits the toilet unnecessarily, the irregularity shall be reported. In the case of newly convicted prisoners, some latitude may be allowed in the enforcement of this measure.

8.13. Details of bathing and food parade.- When the bell for distribution of meals rings, the following events shall take place in sequence, namely:-

- (i) After the early morning routine as mentioned in rule 8.05 is over, morning meal shall be served to the prisoners.
- (ii) The prisoners shall, with the exception of anyone who has a complaint to make, sit down to eat.

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- (iii) Any prisoner who remains standing shall be separated and those who have no complaints to make, will be given the signal to eat.
 - (iv) The Head Warder shall enquire as to the cause of complaint of any prisoner concerning his food. If the complaint is regarding short distribution, he shall have the ration weighed there and then, and if the quantity is short, have the deficiency supplied and report the defaulting cook to the Deputy Superintendent (Administration).
 - (v) If the complaint is regarding bad quality or bad cooking, the Head-Warder shall retain a sample of the food for examination by the Deputy Superintendent (Administration), who shall make such further enquiry regarding the complaint as may be necessary and report the circumstances to the officer in charge of prison on the first opportunity.
 - (vi) When the meal is finished, the prisoners shall throw the unconsumed food in a tub meant for this purpose, and they shall wash their utensils, hands etc.
 - (vii) On completion of food parade in the morning, prisoners shall be marched to the place where their distribution into work groups is to take place. At this time the Deputy Superintendent (Administration) shall make any alterations in the groups which may be necessary and record the same or cause him to be recorded in the group books.
 - (viii) The same procedure shall be followed for distribution and eating of food during other meals. The cooks who were employed for distributing the food when bathing parade was in progress, shall at some convenient time, be taken to wash themselves.
 - (ix) This routine shall be carried on simultaneously in all parts of the prison and completed within an hour, i.e. before the time of distribution of prisoners into groups. In prisons, where the arrangement for toilets, feeding and bathing platforms is inadequate, the officer in charge of prison must follow the instructions as closely as the means at his disposal permit.

8.14. Work resumed in the afternoon, cessation of work for the day.- When the work-bell sounds in the morning, the groups shall be marched to their workplaces, deposit their spare clothing, and utensils and resume work until the mid-day meal is brought for distribution. The prisoners will get their mid-day meals at the places where they are working. In the evening when the bell rings for cessation of work, each prisoner shall take up his clothing, utensils etc. and the groups shall march to their respective wards or appointed place, to be counted and compared with the concerned books. They shall then perform the feeding and toilet parades as in the morning. Reasonable time may be allowed for sports and games or to walk up

and down in the enclosure of the ward to give sufficient exercise for keeping the digestion in order. When the bell for lock-up sounds, the prisoners shall stand in a line. They shall be searched and marched to their sleeping wards where they shall sit in double file till counted and locked up. As far as practicable, prisoners who work together shall occupy the same ward.

NOTE: For the purpose of running a factory inside the prison, the officer in charge of prison may extend the time for cessation of work for identified prisoners through a specific order. As far as practicable, such prisoners shall occupy the same ward.

- 8.15. Prisoner not to leave their berths or plinth.-** No prisoner shall be allowed to go to the berth/plinth of any other prisoner without sufficient cause and without informing the prison official on duty. After 09:00 P.M, no prisoner shall leave his sleeping place except to go to toilet or to assist another prisoner in case of an emergent situation.
- 8.16. Disposition of prisoners on parade.-** At the officer in charge of prison's weekly inspection, the prisoners shall stand in single file, their spare clothing, bedding, utensils and history tickets shall be arranged in order, in front of each prisoner. All prisoners losing weight shall stand separately. On the arrival of the officer in charge of prison, the prisoners shall, at the word of command, stand up with their history tickets. The history tickets shall be held open in the left hand in front of the chest. The right arm and hand shall be extended down the right side, palm inwards.
- 8.17. Prisoners not to leave their place to make complaints.-** No prisoner shall leave his place at any time to make any representation to the officer in charge of prison or Deputy Superintendent (Administration) but he may, if the representation is an urgent one, such as a complaint of assault or ill-treatment or the like, represent the matter to the Deputy Superintendent (Administration) or officer in charge of prison when these officers are doing their rounds. Any prisoner wishing to appeal shall be brought by the Deputy Superintendent (Administration) before the officer in charge of prison.
- 8.18. Prisoners to wash their clothing weekly.-** All prisoners shall wash their clothing on the day preceding the officer in charge of prison's weekly inspection. In some convenient position, a central washing facility or appropriate washing equipment shall be provided. When necessary, the officer in charge of prison may direct prisoners to boil and wash blankets, woollen coats and bedding. Appropriate equipment shall be provided for the purpose.
- 8.19. Disposal of prisoners on non-working days.-** Prisoners may, on the days they are exempted from labour, be either locked up in their wards or, if the weather

is favourable, be allowed to sit in file in the yards and take walking exercise in groups for an hour in the morning and an hour in the afternoon or in lieu of this they may be allowed to take part in the games and yoga.

8.20. Matters affecting caste or religion.- (1) No undue interference with religion or caste prejudices of prisoners shall be permitted.

(2) Every prisoner shall be allowed to perform his devotions, in a quiet and orderly manner, during the mid-day rest and when locked up for the night.

(3) The officer in charge of prison may at his discretion, permit gathering together of prisoners for the purpose of holding any religious or national functions which have been declared as a prison holiday.

(4) Mohammedan prisoners, other than those admitted in hospital or in any convalescent or special groups, who may express a desire to be allowed to keep the fast of Ramzan, shall be permitted to do so:

Provided that, if the Medical Officer is of the opinion that the continuance of fast by such prisoner is likely to be injurious or dangerous to his health, he may direct its discontinuance.

NOTE: Prisoners shall, who wish to keep fast, be provided with a morning meal at an appropriate time in the morning to start the fast. They shall be permitted to receive evening meal and to retain the whole or any portion thereof in wards, cells or other compartments for consumption after they break the fast.

(5) When an officer in charge of prison feels any doubt as to the validity of any plea advanced by a prisoner on grounds of caste or religion, he may refer the matter for the orders of the Head of Department whose decision shall be final.

8.21. Rules regarding cutting of hair-Exceptions.-(1) The hair of every convict sentenced to rigorous or simple imprisonment, and of every under-trial prisoner may be trimmed at the time of admission to prison and at such times as may be necessary for the purpose of ensuring personal hygiene and cleanliness:

Provided that the under trial prisoners who are to be identified through a Test Identification Parade, shall not be allowed to change their appearances until the Test Identification Parade is concluded.

(2) Those prisoners who were accustomed to shave their faces before admission to prison may be permitted to shave in prison:

Provided that prisoners who are, -

- (i) Sikhs, shall be allowed to keep long hair and beard;

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- (ii) Hindus, may be allowed to retain the 'choti' or top-knot;
 - (iii) A female prisoner's hair shall not be cut without her consent. However, if, on account of vermin or dirt, the Medical Officer deems cutting of hair necessary on the ground of health and cleanliness, even then it shall not be cut any shorter than required; and
 - (iv) Mohammadans, may be allowed to keep shortly trimmed beard on religious ground.
- (3) Only disposable plastic razors with embedded blades shall be allowed for self- shaving.
- (4) The vocational training programme in prisons shall include training lessons on haircutting and shaving and a prisoner may be charged (to be determined from time to time by the Head of Department) for hair cutting or shaving to meet the expenditure of consumables. The amount shall be deposited in the Prisoner Welfare Fund and consumables shall be purchased from the fund. The officer in charge of prison may exempt any prisoner from paying the above if he is unable to pay.

NOTE: All prisoners who are permitted to keep long hair or beard shall be responsible for keeping the same clean, neatly combed, tied and free from fleas and ticks.

- 8.22. Outsiders not to communicate with prisoners.-** No person other than a visitor, official or inmate of prison, acting in pursuance of his privilege or duty as such visitor, official, or inmate, shall communicate or attempt to communicate with any prisoner.

CHAPTER 9

OFFENCES AND PUNISHMENTS

9.01. Rights of a Prisoner.-Every prisoner in a prison shall have following rights, namely:-

- (i) Right to human dignity: Every prisoner in a prison shall, as far as it may be expedient and practical, be entitled to be treated with dignity and shall enjoy all the fundamental and other rights conferred by the provisions of the Constitution of India and any other law, for the time being in force, subject to such restrictions as may be necessary by virtue of his incarceration or the larger interest of maintenance of discipline, safety and security inside the prison; and
- (ii) Right to basic minimum needs: Every prisoner in a prison shall be entitled to fulfilment of basic minimum needs such as adequate diet, health, medical care and treatment, access to clean and adequate drinking water, access to clean and hygienic living conditions including sanitation and personal hygiene, clean and adequate clothing and bedding subject to such restrictions as may be necessary by virtue of his incarceration, or in the larger interest of maintenance of discipline, safety and security inside the prison.

9.02. Duties of a prisoner.-At the time of admission, prisoners shall be asked to obey the prison rules and their duties shall be explained to them as follows, namely:-

- (i) obey all lawful orders and instructions issued by the competent prison authorities and persons who help them in the performance of their official duties;
- (ii) abide by all prison rules and regulations and perform obligations imposed by these rules and regulations;
- (iii) remain strictly with their groups, in their workplace and within the part of the prison in which they are confined and perform their allotted tasks diligently and carefully;
- (iv) report any plot or conspiracy and any attempt to escape or preparation for an escape, or for an attack upon any prisoner or prison officer; and help the prison officers in case of any attack upon them;
- (v) not to hold any communication with outsiders, women, civil or under-trial prisoners or prisoners of a class different from their own, or with the guards, beyond what is absolutely necessary;
- (vi) not to gamble or barter within the prison; nor keep animals, birds or other pets;

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- (vii) not to play any game (unless specially permitted by the officer in charge of prison) or keep any games related material like cricket bat, hockey, stumps, volleyball, badminton net, etc. with them. Instead, these shall have to be deposited with the warder in charge after games;
 - (viii) not to strike, assault or threaten any officer or other prisoner;
 - (ix) use government property with care and not to damage or destroy the same negligently or wilfully;
 - (x) be alert during the count parade and general parade;
 - (xi) not to take any eatables without order from the food distribution platform or kitchen;
 - (xii) not to talk loudly, sing to the annoyance of others or quarrel in any part of the prison;
 - (xiii) not to leave his bed at night for any purpose without first obtaining the permission of the watchman, or to sit or lie on any other prisoner's berth/plinth;
 - (xiv) not to be party to any ingress of any contraband article;
 - (xv) maintain the prescribed standards of cleanliness and hygiene; and prison discipline;
 - (xvi) respect the dignity and the right to life of every inmate, prison staff and others;
 - (xvii) abstain from hurting religious feelings, beliefs, practices and faiths of other persons;
 - (xviii) preserve and promote congenial correctional environment in the prison;
 - (xix) refrain from making any false or exaggerated complaints/ allegations or conniving in forming any agitation/disruption within the prison;
 - (xx) use the given mechanism of grievance redressal and encourage others too; not to leave his work to make any representation to the prison officer; and
 - (xxi) observe such other duties as may be specified.

NOTE: Prisoners shall be warned that, in the event of any riot or violent outbreak, the prison officers are authorized to use appropriate force including lethal force.

9.03. Prison offences.-Prison offences shall be classified into minor and serious offences.

9.04. Minor prison offences.-Following acts of the prisoners shall constitute minor

prison offences, namely:-

- (i) failing to assist in maintenance of prison discipline;
- (ii) doing any act with the aim to create unnecessary alarm in the minds of other prisoners;
- (iii) omitting to report the commission of any prison offence;
- (iv) committing nuisance or mischief of any sort;
- (v) sending messages surreptitiously by writing or verbally;
- (vi) eating or apportioning any food not assigned to him or taking from or adding to the portions assigned to another prisoner, disobeying any order as to the issue and distribution of food and drink;
- (vii) being idle, careless or negligent at work, contumaciously refusing to work, malingering, disturbing other prisoners at work, or in barracks;
- (viii) performing any portion of the task allotted to another prisoner or obtaining unauthorized assistance of another prisoner in the performance of one's own task;
- (ix) apportioning to any prisoner any part of the task to be performed by him;
- (x) soiling or befouling any place or article;
- (xi) loitering or lingering, leaving the appointed area, ward, place in the file or work-group without permission;
- (xii) omitting or refusing to keep clean his clothing, blankets, bedding or disobeying any orders as to the arrangement or disposition of such articles;
- (xiii) damaging the trees and vegetables in the garden of the prison, or maltreating the prison cattle;
- (xiv) omitting or refusing to wear the clothing given to him, or exchanging any portion of it for the clothing of other prisoners or losing, discarding, damaging, or altering any part of it;
- (xv) omitting or refusing to keep oneself or his clothing, blankets, bedding etc. clean or disobeying any order regulating the cleanliness, hygiene of body and material goods;
- (xvi) removing, defacing, or altering any distinctive number, mark or badge attached to, or worn on the clothing or person; and
- (xvii) unauthorized cooking.

9.05. Serious prison offences.-Following acts of the prisoners shall constitute serious prison offences, namely:-

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- (i) endangering the security of the prison in any way, by a wilful or negligent act and shall include tampering in any way with the prison walls, building, bars, locks and keys, lamps or lights or with any other security and custody measure;
 - (ii) doing or omitting to do any act with an intent to cause to oneself any illness, injury or disability including attempt to suicide;
 - (iii) obstructing in maintainin law and order and prison discipline;
 - (iv) planning, instigating and abetting, directly or indirectly, the commission of any prison offence;
 - (v) refusing, omitting to abide by standards of behaviour, rules and regulations and lawful instructions and orders;
 - (vi) failing to give assistance to a prison official(s) when called to do so or answering untruthfully any question put up by a prison officer or a visitor;
 - (vii) making false, malicious and groundless, written or verbal, complaints against prison officials;
 - (viii) quarrelling with other prisoners, creating an environment of fear amongst the inmates;
 - (ix) attacking, assaulting, and causing injuries to others, use of criminal force against prison officers or others;
 - (x) participating in a riot or mutiny, abetting another prisoner to do the same;
 - (xi) escaping or attempting to escape from prison or legal custody or failing to report to prison officials about attempted escapes;
 - (xii) possessing any object or material removed from any larger object or from a building, which has been altered in such a manner that it can be used for damaging prison property or as a weapon of offence or as an implement to assist in escape from prison;
 - (xiii) possessing, hiding, smuggling, attempting to smuggle, obtaining, giving or receiving and bartering contraband or prohibited articles;
 - (xiv) failing to report to prison officials about contraband or prohibited articles;
 - (xv) stealing, damaging, destroying, disfiguring or misappropriating any Government property or another prisoner's articles and property;
 - (xvi) failing to report at once any loss, breakage or injury, which the prisoner may accidentally have caused, to prison property or implements;
 - (xvii) tampering with or defacing identity cards, records or documents of the prison;
 - (xviii) breach of the conditions of leave and emergency release;

- (xix) refusing to eat food or going on a hunger-strike;
- (xx) wilfully or negligently destroying or spoiling food, or throwing it away without orders;
- (xxi) introducing into food or drink anything likely to render it unpalatable, unwholesome, or dangerous for human consumption;
- (xxii) tampering with scale of food;
- (xxiii) violating rules and regulations framed for systematic running of the canteen and bartering canteen articles;
- (xxiv) manufacturing any article without the knowledge or permission of prison officials or causing adulteration during manufacturing;
- (xxv) mixing or adding a foreign substance to the materials issued for work;
- (xxvi) wilfully disabling from labour;
- (xxvii) converting, or attempting to convert, a prisoner to a different religious faith;
- (xxviii) wilfully hurting other's religious feelings, beliefs, practices, and faiths;
- (xxix) agitating or acting on the basis of caste or religious prejudices;
- (xxx) having any communication, in writing or by word or by signs, without permission, with any outsider, an under trial prisoner, detenus, civil prisoners, and approvers;
- (xxxi) participating in or organizing, unauthorized activities like gambling and betting;
- (xxxii) using indecent, abusive, insolent, threatening or improper language; being disrespectful, making indecent or vulgar acts or gestures;
- (xxxiii) failing to assist, or preventing another person from assisting, prison officials in case of an attempted escape or suppressing violence, assault, riot, mutiny, attack, gross personal violence or any other emergencies;
- (xxxiv) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, plot or conspiracy for any escape, attempt or preparation to escape, and any attack, or preparation for attack, upon any prison officials or prisoners; and
- (xxxv) Indulging in or assisting in any unauthorised financial transaction, whether within the premises of the prison or without.
- (xxxvi) Stealing, damaging, destroying, disfiguring, misappropriating or making dysfunctional any government property, whether movable or immovable, on the prison premises or while in custody outside the prison.

(xxxvii) Stealing, damaging, destroying, disfiguring, misappropriating or making dysfunctional any government property or property of any jail official, whether movable or immovable, by a prisoner in association / conspiracy with other prisoners with intent to cause disorder or disturbance inside the prison or with intent to escape from prison.

9.06. Classification of punishments which the officer in charge of prison is competent to award.-Punishment(s) may be awarded by the officer in charge of prison to prisoners for committing any prison offence. These are classified into minor and major punishments.

9.07. Minor Punishments.- The following punishments shall be considered as minor punishments, namely:-

(i) formal warning;

Explanation: A formal warning shall mean a warning personally addressed to a prisoner by the officer in charge of prison and recorded in the punishment book on the prisoner's history ticket;

(ii) forfeiture of remission earned, not exceeding fifteen days;

(iii) forfeiture of earning from wages upto three days in a calendar month;

(iv) punishment drill/work for a period not exceeding one hour a day up to fifteen days' subject to the prisoner's physical fitness as certified by the Medical Officer;

(v) loss of privileges given to the prisoners in detention for a maximum period of three months;

(vi) change of form of labour for fifteen days to severe form;

(vii) change of accommodation to another barrack, cell or any other prison accommodation for a period as deemed necessary by officer in charge of prison;

(viii) separate confinement for a period upto sixty days;

(ix) transfer to other prisons with the approval of the Head of Department; and

(x) a combination of two or more minor punishments.

A prisoner, who has committed any of the minor offences enumerated in rule 9.04, shall be put up before the Deputy Superintendent (Administration) by the executive officer in charge of the prisoner, along with his history ticket in which the offence committed is recorded. The Deputy Superintendent (Administration), after holding a preliminary enquiry, will record his own observation in the case and present the prisoner along with his history ticket, witnesses and

other relevant records before the officer in charge, who shall hold an enquiry and punish such offences as mentioned in this rule.

NOTE 1: For minor offences, the officer in charge of prison may award minor punishment(s) without having the same approved through judicial appraisal. In case of urgent necessity, the Deputy Superintendent (Administration) may award minor punishment(s) subject to the approval of the officer in charge of prison.

NOTE 2: Award of minor punishment shall not debar a prisoner for the purpose of grant of parole or for initiation of Premature Release Case (PRC).

9.08. Major punishments.-The following punishments shall be considered as major punishments, namely:-

- (i) in case a minor offence which is committed more than twice, the same will be treated as a serious offence and punishment shall be awarded accordingly;
- (ii) compulsory community service within the prison for a period not exceeding thirty days in the case of civil prisoners and prisoners sentenced to simple imprisonment and not exceeding 90 days in case of under-trial prisoners;
- (iii) forfeiture of remission earned, exceeding fifteen days;
- (iv) forfeiture of earnings from wages beyond three days and upto seven days in a calendar month;
- (v) forfeiture of privileges beyond three months and not exceeding six months;
- (vi) separate confinement beyond sixty days but not more than three months;
- (vii) cellular confinement for a period of up to thirty days;
- (viii) exclusion of parole facility for upto three years;
- (ix) exclusion from remission system for a period of six months;
- (x) any combination of major and minor punishments admissible under the preceding rules.

For serious offences, the officer in charge of prison may award major punishment(s) only upon judicial appraisal. No officer subordinate to officer in charge of prison shall have the power to award major punishment.

NOTE 1: In case of major punishments, where the matter has been referred for judicial appraisal, to maintain order inside the prison and prevent further harm to prisoners or prisoners' property or prison property, the officer in charge of prison may take immediate steps including separate or cellular confinement, stoppage of privileges or any other provisions of major punishments contained in this rule awaiting the court's order of

judicial appraisal. In normal course, the court shall process cases of judicial appraisal at the earliest possible time after submission of such request(s) by the officer in charge of prison.

NOTE 2: No separate/cellular confinement, shall be imposed without the judicial appraisal of the Sessions Judge, and when such intimation, on account of emergency is difficult, such information about action taken shall be submitted for judicial appraisal within forty eight hours of such action.

NOTE 3: Appropriate instruments of restraint shall be imposed on a prisoner after specific permission of the court concerned or Sessions Judge has been obtained. However, appropriate instruments of restraint may be imposed on prisoner by the officer in charge of prison in the event of an emergent situation, so violent to be dangerous to the guarding staff or other prisoners or to himself and such action(s) shall be reported to the concerned court or Sessions Judge within forty-eight hours.

NOTE 4: No major punishment shall be imposed without judicial appraisal of the Sessions Judge, where parole or premature release case is affected due to the punishment.

9.09. Judicial Appraisal.-The procedure for judicial appraisal shall be as follows, namely:-

- (i) A prisoner who has committed any of the serious offences enumerated in rule 9.05 of this Chapter, shall be produced before the concerned officer in charge of prison by the Deputy Superintendent (Administration) or executive officer in charge of the prisoner along with his History Ticket, witnesses and other relevant records in which the offence committed is recorded.
- (ii) The contents of such information shall be read over to the concerned prisoner and a copy of entry of such information, shall be given free of cost to the prisoner.
- (iii) The officer in charge of prison shall record the statements of witnesses in the presence of the concerned prisoner and give him a copy of statements of the witnesses and he shall be given an opportunity to cross examine all the witnesses and produce any evidence before proposing any punishment for prison offence committed by the prisoner.
- (iv) To maintain discipline in the prison, the officer in charge of prison may pass an order for segregation of such prisoner from other inmates. Thereafter, the case shall be forwarded to the concerned Sessions Judge for judicial appraisal of the prison offence.
- (v) Ordinarily, the punishment so proposed by the officer in charge of prison

shall come into effect only after judicial appraisal by the respective sessions judge subject to the exceptions mentioned in Rule 9.08 (NOTE 1, NOTE 2 and NOTE 3).

9.10. Medical Officer to certify fitness of a prisoner for punishment.-The Medical Officer shall certify fitness of prisoner(s) for the punishment(s) in the following manner:-

- (i) No punishment shall be executed until the prisoner to whom such punishment has been awarded, has been examined by the Medical Officer, who, if considers the prisoner fit to undergo the punishment, shall certify accordingly, in the appropriate column of the punishment-book as specified in 'Chapter 41' of these rules.
- (ii) If he considers that the prisoner is unfit to undergo the punishment, he shall in like manner record his opinion, in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

In the latter case, he shall state the extent of punishment he thinks, the prisoner can undergo without causing injury to his health.

9.11. No punishment other than those specified in the foregoing rules can be inflicted except by a court.-Apart from the above punishments, no other punishment shall be given to the prisoner without the order of the competent court.

9.12. Procedure on committal of cognizable or heinous offence.-(1) When in the opinion of the officer in charge of prison, any cognizable offence has prima-facie been committed with cause of action lying within the prison, he shall report it to the officer in charge of the concerned police station as soon as practically possible:

Provided that, for the purpose of maintaining order within the prison, reference of any matter of cognizable offence to officer in charge of concerned police station for investigation shall not forbid the officer in charge of prison from imposition of any minor or major punishment as per procedure for the same offence.

(2) If any prisoner is guilty of an offence against prison discipline, which by reason of his having frequently committed such offence, or otherwise, in the opinion of the officer in charge of prison, is not adequately punishable by the infliction of any punishment which he has power to award, the officer in charge of prison may forward such prisoner to the court of the District Magistrate or of any Magistrate of firstclass having jurisdiction, together with the statement of circumstances. Such Magistrate shall thereupon enquire into and try the charge so brought against the prisoner, and upon conviction, may sentence him to imprisonment as specified in Prison Act, 1894.

- 9.13. Procedure for enquiry into damage, destruction etc. of government property.**-(1) Head of the Department shall, within seven days of occurrence of the incident as mentioned under Rule 9.05 (xxxvi) or (xxxvii), appoint an officer not below the rank of Deputy Superintendent (Grade II) to estimate the damages. Such officer shall submit his report to Head of the Department within fifteen days.
- (2) If the extent of loss to government is more than Rs. 20,000/-, the Head of Department shall write to the District Magistrate to institute an enquiry conducted by an executive magistrate not below the rank of Naib-Tehsildar. The executive magistrate shall estimate the amount of loss that had occurred and shall fix responsibility of prisoners responsible for causing such damage.
- (3) If the extent of loss to government is less than Rs. 20,000/-, the Head of Department shall direct an officer not below the rank of Deputy Inspector General, (Prisons) to conduct an enquiry to fix responsibility of persons responsible for causing such damage. Such report shall be submitted within four weeks and shall specify the approximate pecuniary loss caused to the government by each prisoner, who have been found responsible for causing such loss.
- 9.14. Procedure for recovery from prisoners of loss caused to government-** (1) The loss to government caused by prisoner(s) and proven through the process elaborated in these rules shall be recovered from the prisoners through following means and order of sequence mentioned below:
- (i) Forfeiture of wages earned by the prisoner(s);
- (ii) Forfeiture of money deposited in welfare/canteen account of the prisoner(s);
- (iii) Proceeds of sale of prisoner's property deposited with the prison authorities.
- (2) In case required recovery cannot be made good through means mentioned in sub rule (1) above, the concerned Jail Superintendent shall request to District Magistrate concerned to initiate proceedings for recovery of the pecuniary loss by sale of movable and/or immovable property in the name of the concerned prisoner(s), either owned independently or jointly, as the case may be.
- 9.15. Publication of penalties.**-The officer in charge of prison shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and Punjabi languages setting forth the prohibited acts amounting to prison offences and the penalties incurred by their commission.
- 9.16. Prohibited articles.**-The articles specified or included in this rule shall be deemed to be prohibited articles unless any such article be introduced into or removed from any prison, or received, possessed or transferred by any prisoner with the permission of the officer in charge of prison or other officers empowered by him

in this behalf.

List of prohibited articles:-

- (i) alcohol or spirituous liquors of any kind;
- (ii) tobacco and all its forms including cigarette, bidi, gutkha, zarda;
- (iii) ganja, opium, or any other intoxicant drug(s) or poisonous article(s);
- (iv) inflammable or poisonous material which can cause damage to human body or property;
- (v) bullion, metal, valuable securities, jewellery or ornaments or money beyond permitted limits;
- (vi) all arms and weapons and articles which are capable of being used as weapons, of whatever description;
- (vii) knives, arms, ropes, string, bamboos, ladders, and sticks, any article likely to facilitate escape or implements of any kind, except those issued for use in the performance of work in the prison;
- (viii) other articles which have not been issued for the use of prisoners from the prison stores and supplies;
- (ix) any communication device like mobile phones, sim-card, charger, earphones or its components. Any unauthorized electronic equipment(s);
- (x) all explosive, poisonous, intoxicating or sedative substances whether in the form of herbs, powder, or any other physical/chemical form, of whatever description;
- (xi) any other article(s) whose use is not permitted by the officer in charge of prison in writing, will be treated as prohibited article; and
- (xii) any medicine(s) which has not been prescribed/approved by the prison medical officer.

9.17. Procedure upon seizure of prohibited articles.—(1) Upon the seizure of any prohibited article, the possession of which constitutes an offence under the Narcotic Drugs or Psychotropic Substances Act, 1985, the following procedure shall be followed, namely:-

- (i) If the recovery of Narcotic Drugs or Psychotropic Substances is made during a routine search:
 - (a) the officer effecting the recovery shall inform the next senior officer immediately regarding the factum of recovery and await the arrival of such senior officer at the place of recovery;

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- (b) the next senior officer shall without undue delay, reach the scene of recovery and verify the circumstances under which the recovery is made and satisfy himself regarding the authenticity of the recovery;
 - (c) Once the next senior officer is satisfied about the authenticity of the recovery, he shall direct the seizure of the suspected narcotic drug or psychotropic substance. The recorded contraband shall be sealed in an envelope on the spot and signature of the prisoner from whom the recovery is made taken on the envelop. In case the prisoner refuses to sign, this fact shall be recorded on the envelope. Further, the said officer shall make a report under his own signature to the Officer-in-Charge of the police station in whose jurisdiction the prison is situated for causing an investigation into the recovery;
 - (d) till such time as the seized article is not taken over by the police, the recovered article shall be placed in safe custody in a secure locker, locked and sealed. The locker shall be at a place which is under 24X7 CCTV surveillance. The key of the locker shall be handed over to the Superintendent of the prison concerned in case of district prisons and sub-prisons and to the Additional Superintendent in case of central prisons, who shall keep the same in their personal custody; and
 - (e) the recovered articles/contraband shall be made over to the investigating officer of the police after removing the seals of the locker in his presence.
- (ii) When a prison officer has reliable information regarding presence of prohibited narcotic drugs or psychotropic substances within the prison premises, which he has reason to believe to be true, he shall, through the officer in-charge of the prison, report it to the officer in-charge of the police station in whose jurisdiction the prison is situated, for initiating enquiry into the matter. However, if the officer has reason to believe that the delay caused in reporting the matter to the officer in-charge of the police station may afford opportunity for concealment or destruction of the evidence, he may proceed ahead as per procedure in clause (i) above. Reason for such belief shall be recorded in the day/night book, as the case may be.
- (2) Upon seizure of a prohibited article which constitutes an offence under any other penal law other than Narcotic Drugs and Psychotropic Substances Act, 1985 the officer affecting the recovery shall proceed to take the recovered article in his custody. The recovered article shall be sealed in a tamper proof envelope/ container, and a report made to the officer in-charge of the police station in whose jurisdiction the prison is situated to initiate enquiry into the matter.

(3) Upon seizure of any prohibited item which does not constitute a penal offence but are prohibited in the prison, such item(s) shall be taken in custody by the officer affecting the seizure, and handed over to the officer in-charge of the prison, or any other officer designated by him. Such confiscated items shall be disposed of as per following procedure, namely:-

- (i) if the seized article has significant monetary value, the disposal shall be carried out as described in rule 7.12; and
- (ii) if the seized article does not have significant monetary value, it shall be disposed of by a committee constituted by the officer in charge of prison for this purpose, in a manner found most suitable by the committee so constituted.

9.18. Punishments to be recorded.-Every infringement of prison rules shall be brought to the notice of the officer in charge of prison, who shall decide whether the infringement reported constitutes an offence. If the officer in charge of prison is of the opinion that the infringement of rule was committed through ignorance or excusable carelessness, he shall admonish the prisoner and dismiss the charge without recording it in the Punishment Register. But, if after communicating to the concerned prisoner the facts alleged against him and giving him an opportunity to state his defence, the officer in charge of prison finds it to be an offence, he shall propose/award some punishment and have it recorded in the prisoner's History Ticket and Punishment Register. The Punishment Register for prisoners shall have details of prison offences committed by the prisoners. Such record shall also be maintained digitally in integrated prison management system. The order of punishment shall also be communicated to the concerned prisoner.

9.19. Diary of termination of prison punishment to be maintained.-On the day an order for any punishment which shall continue for a specified term is given effect to, the date of expiry of the term of such punishment shall be calculated and the name of the prisoner and particulars of the punishment shall be entered in this diary under the date on which it shall terminate. The diary shall be examined by the Deputy Superintendent (Administration) daily and orders shall be given on the prisoner's history tickets for the discontinuance of every punishment which terminates on that day.

9.20. Officer in charge of prison to furnish a detailed report on punishments inflicted, to the higher officials.-The officer in charge of prison shall present a detailed report on the punishments inflicted, to the Deputy Inspector General (Circle) with a copy of the same to the Head of Department every quarter.

9.21. Any person found contravening any of the provisions of the above rules

may in certain circumstances be arrested by any prison officer.-When any person, in the presence of any official of a prison commits any offence and refuses on demand of such official to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such official may arrest him and shall without unnecessary delay make him over to a police officer and thereupon, such police officer shall proceed as if the offence had been committed in his presence.

9.22. Grievance redressal system.-Voicing resentment/grievance is an elementary human instinct. If it is suppressed, it can lead to an aberrant frame of mind which shall be detrimental to natural and healthy growth of body and mind:

- (i) Therefore, there shall be an active Grievance Redressal System (G.R.S.) in every prison which shall provide every inmate the legitimate opportunity to voice his grievances.
- (ii) The system shall also act as a safety valve against any possibility of sudden outbursts of suppressed grievances.
- (iii) There shall be one or more complaint boxes in every prison installed in centrally located and convenient places, within easy reach of the inmates. Such complaint box shall also be installed in an easily accessible place in the female ward.
- (iv) The inmates may drop their complaints in the form of written petitions addressed to the officer in charge of prison, or to the higher authorities, into such boxes.
- (v) The box shall remain under lock and key and the key shall remain in the custody of the Deputy Superintendent (Administration), who shall unlock the complaint box at least twice a week on the days fixed and approved by the officer in charge of prison.
- (vi) The complaint box shall be opened at an appointed time before the evening locking up of the prison.
- (vii) The officer in charge of prison shall form a permanent Committee of Grievance Redressal System (G.R.S.), comprising himself, the Deputy Superintendent (the senior most Deputy Superintendent in the event of more than one Deputy Superintendent being posted there), the Medical Officer, and the Welfare Officer/Assistant Superintendent of Prison (in case Deputy Superintendent (Factory) is not posted there). If the prison happens to have a female enclosure, then a senior lady officer of appropriate rank shall be included in the Committee.
- (viii) The Committee shall meet as and when necessary, but at least twice a

week to look into all the complaints of the inmates.

- (ix) The officer in charge of prison shall preside over the Committee which shall enquire into all the complaints at the earliest.
- (x) The decision of the Committee shall be executed forthwith.
- (xi) Complaints addressed to the higher authorities shall be forwarded to the addressee with comments of the officer in charge of prison without delay.
- (xii) Letters addressed by prisoners to the Government, Judiciary, Head of Department or other high functionaries shall be forwarded to them immediately without being censored and a dated receipt of it may be given to the prisoner. The receiving authority shall acknowledge letters immediately and look promptly into them.
- (xiii) The District Judge shall visit each prison in his jurisdiction once a month and give an opportunity to all the prisoners to present their grievances or requests, if they so desire, in the absence of prison officers.
- (xiv) If a prisoner is not satisfied by the action taken by the officer in charge of prison on his complaint, he shall be allowed to approach higher authorities for redressal of his grievances.
- (xv) The Board of Visitors shall be activated. The visitors may receive and enquire into prisoners' complaints and grievances and send their suggestions to appropriate authorities.

CHAPTER 10**REMISSION AND REWARD****(A) Remission system**

10.01. Remission.-Remission is a concession which can be granted to prisoners by the Government/Head of Department/Deputy Inspector General (Circle)/officer in charge of prison. This concession is subject to withdrawal/forfeiture/revocation. It is not a right. The Government reserves the right to debar/withdraw any prisoner or category of prisoners from the concession of remission.

10.02. Purpose.-Remission is intended to be an incentive for good behaviour and work. It shall be granted on the basis of the inmate's behaviour, work and general response to various institutional activities.

In these rules, -

- (i) "prisoner" includes a person committed to prison in default of furnishing security to keep the peace or be of good behaviour and excludes a person convicted by a military court;
- (ii) "sentence" means a sentence as finally fixed on appeal, revision or otherwise, and includes an aggregate of more sentences than one and an order of committal to prison in default of furnishing security for keeping the peace or good behaviour; and
- (iii) "life convict" means a person sentenced to imprisonment for life.

10.03. Remission Committee.-Each prison shall have a Remission Committee consisting of, -

- | | | |
|--|---|------------------|
| (i) Officer in charge of prison; | : | Chairman |
| (ii) Deputy Superintendent (Administration); | : | Member-Secretary |
| (iii) Deputy Superintendent (Factory); and | : | Member |

or

Assistant Superintendent/Welfare Office	:	Member (where
Deputy Superintendent (Factory) is not posted)		

NOTE: Where only one officer of Superintendent or Deputy Superintendent rank is posted, the officer in charge may nominate two Assistant Superintendents or Head Warders as members.

10.04. Functions etc. of Remission Committee.-(1) The functions of Remission Committee shall be, -

- (i) to attend to all matters pertaining to remission;

- (ii) to decide cases of prisoners for grant of annual good conduct remission;
- (iii) to decide cases of special remission under the powers of the officer in charge of prison as per provisions of these rules; and
- (iv) to recommend cases of prisoners to the Head of Department, for the grant of special remission as per provisions of these rules.

(2) The members of the Remission Committee shall assist the officer in charge of prison in all matters pertaining to the award of remission. The decision of the officer in charge of prison shall be treated as final. The Remission Committee shall meet on fixed days in the last week of every quarter, or as and when required.

10.05. Kinds of remission.-Remission shall be of the following types, namely:-

- (i) Ordinary remission;
- (ii) Special remission; and
- (iii) Government remission.

10.06. Ordinary remission.-The officer in charge of prison or an officer nominated by him on his behalf is authorized to grant ordinary remission.

10.07. Eligibility for ordinary remission.- The following prisoners shall be eligible for earning ordinary remission, namely:-

- (i) prisoners having a substantive sentences of three months or more.
- (ii) prisoners fulfilling the conditions as mentioned in clause (i), but who are unable to participate in institutional activities because of factors beyond their control such as court attendance, frequent transit from one prison to another, admission as indoor patient in hospital including a mental hospital, may be granted ordinary remission at a scale earned by the prisoner during the previous month, provided their conduct during the period in question has been good.
- (iii) in case of prisoners who fulfil the conditions as mentioned in clause (i), and who are admitted in hospital as indoor patients or during the periods of their convalescence, ordinary remission may be granted subject to certification by the Medical Officer regarding their bona fides.
- (iv) prisoners fulfilling conditions as mentioned in clause (i), and who have been certified by the Medical Officer as unable to perform.
- (v) prisoners working on conservancy jobs irrespective of the length of their sentence.
- (vi) prisoners sentenced to simple imprisonment of three months and more and who volunteer to work and continuously work for at least one month.

- (vii) ordinary remission may be earned throughout a period of imprisonment in lieu of fine that follows immediately, and is continued with a substantive sentence of not less than three months.
- (viii) if a prisoner has not worked for no fault of his own, he may not be debarred from remission for the period. Such remission shall, however, be subject to good behaviour and participation in other institutional activities as may be organized by the institution.

10.08. Scale of ordinary remission and authority to award the same.-Ordinary remission shall be granted to convicted prisoners by the officer in charge of prison in the light of recommendations received from other members of the Remission Committee in the scale provided below, namely:-

- (i) two days per calendar month for good conduct during custody inside the prison, for participation in institutional activities e.g. educational programmes, de-addiction programmes and for meticulous attention to all prison regulations;
- (ii) two days per calendar month for working in industry or performance of the assigned daily work according to the prescribed standards for the entire month;
- (iii) An additional, one day per calendar month for working on Sundays and holidays for general maintenance of prisons or in the prison hospital for the entire month;
- (iv) An additional, two days per calendar month for working in the kitchen for the entire month; and
- (v) An additional, three days per calendar month who volunteers for sweeper's work in the prisons for the entire month.

10.09. Non-eligibility.-Ordinary remission shall not be granted in the following cases:-

- (i) In respect of substantive sentence of imprisonment of less than three months.
- (ii) In respect of any sentence passed in default of payment of fine which is not annexed to a term of substantive sentence for which the prisoner is otherwise eligible for remission.
- (iii) If the prisoner's sentence or total of sentences is reduced on appeal to less than three months, he shall cease to be eligible for ordinary remission and any remission that may have been earned prior to the reduction shall be forfeited.
- (iv) Prisoners in whose cases the Government or the Head of Department has ordered that remission shall not be granted.
- (v) Prisoners who have been removed from the remission system.

- (vi) Prisoners undergoing prison punishment, for the period of punishment.
- (vii) Prisoners who have been in hospital as indoor patients owing to self-inflicted injuries for such periods as may be decided by the officer in charge of prison.
- (viii) Prisoners who have taken resort to hunger strike or work strike.
- (ix) Prisoners specifically debarred from remission under any law or rule.
- (x) Any prisoner sentenced by a court out of the State.

10.10. Ordinary remission not earnable for any cognizable offence committed within the prison premises after admission to prison.-If a prisoner is convicted for any cognizable offence committed while in custody at any prison in the State, as an undertrial or convict prisoner, the remission of whatever kind earned by him under these rules up to the date of the said conviction, may with the sanction of the Head of Department, be cancelled.

10.11. Readmission to the remission system of a prisoner removed there from.-The officer in charge of prison may, with the previous sanction of the Head of Department, readmit to the remission system, any prisoner who has been removed therefrom, under these rules. Such a prisoner shall earn remission under these rules from the commencement of the month, following such readmission.

10.12. Calculation of remission.-(1) Ordinary remission shall be calculated from the first day of the next calendar month following the date of the prisoners' sentence or after readmission of prisoner from parole. Ordinary remission shall not be granted for the broken period of a calendar month. A prisoner, unless sentenced on the first day of a month, shall not get remission for the month in which he has been sentenced.

(2) Period spent outside the prison, such as release on furlough which are included as part of a sentence, shall not be treated as broken periods. During such periods the prisoner shall be eligible for earning ordinary remission. For periods spent outside the prison which are not included as parts of a sentence (such as bail, suspension of sentence, emergency release, escape and extradition), prisoners shall not be eligible for earning remission. In such cases, the prisoners shall be considered as eligible to earn remission from the first day of the calendar month following the date of their readmission.

NOTE: Prisoners who have been released on bail, or whose sentence have been temporarily suspended, shall, on their readmission to prison, shall be brought under the remission system on the first day of the next calendar month following his readmission and be credited with any remission they may have earned before their release on bail, or suspension of sentence.

(3) In the case of a prisoner, transferred from one prison to another while undergoing imprisonment, the period spent by him in the first prison, excluding the period spent as an under-trial prisoner, shall be calculated alongwith the period spent by him in the second prison, for the purpose of grant of remission.

10.13. Annual good conduct remission.-Eligibility criteria for grant of annual good conduct remission shall be as follows:-

- (i) Any prisoner eligible for ordinary remission, who for a period of one year from the date of his sentence, or the date on which he was last punished (except by way of warning) for a prison offence, has not committed any prison offence, may be awarded fifteen days' 'annual good conduct remission' by the officer in charge of prison in addition to any other remission, on the recommendation of the Remission Committee.
- (ii) If, however, the prisoner completes three years of his sentence and is not punished for any prison offence, he shall be granted sixty days' remission for good conduct at the end of the third year.

10.14. Procedure in making award.-Following procedure shall be followed for awarding ordinary remission, namely:-

- (i) The award of ordinary remission shall be made on quarterly basis by the officer in charge of prison who, before making the award, shall consult the prisoner's history ticket in which detailed comments on his monthly performance in work and conduct shall be recorded by the Assistant Superintendent in charge of the block and Deputy Superintendent (Administration). The remission recommended shall be closely scrutinized by the officer in charge of prison before sanction.
- (ii) If a prisoner has not been punished during the quarter otherwise than by a formal warning, he shall be awarded full ordinary remission for the quarter under rule 10.08.
- (iii) If a prisoner has been punished during the previous quarter, otherwise than by a formal warning, the case shall be placed before the officer in charge of prison, who after considering the punishment(s) awarded, shall decide what amount of remission shall be granted under rule 10.08. All remissions recorded on the prisoner's history ticket shall be entered quarterly on the remission sheet (or card).

10.15. Remission to be awarded quarterly.-The award of ordinary remission shall be made, as nearly as possible, on 1st January, 1st April, 1st July and 1st October, and the amount shall be intimated to the prisoner and recorded on his history ticket. Remission granted to a prisoner shall be recorded on his history ticket as

soon as possible after it is awarded.

- 10.16. Remission for the month in which released.**-No prisoner shall receive ordinary remission for the calendar month in which he is released on bail or for parole.
- 10.17. Remission to prisoners transferred from other States.**-Remission shall be awarded to the prisoners who have been transferred to serve their sentence from other states in accordance with the remission rules of the punishing states.
- 10.18. Remission to prisoners sentenced under court martial.**- Remission to prisoners sentenced under court martial from Indian armed forces shall be awarded only in the light of orders of the Ministry of Home Affairs, Government of India.
- 10.19. Special remission.**— (1) In addition to the ordinary remission and annual good conduct remission, to create a spirit of healthy competition among the prisoners, special remission may be granted by officer in charge of prison or by the Head of Department, on the recommendation of Remission Committee, to any prisoner, whether eligible for ordinary remission or not, on the following considerations, namely:-
- (i) protecting a Government employee, prison visitor, or inmate from physical violence or danger;
 - (ii) preventing or assisting in prevention of escape of prisoner(s), apprehending prisoner(s) attempting to escape, or giving material information about any plan or attempt by a prisoner or a group of prisoners to escape;
 - (iii) assisting prison officials in handling emergencies like fire, outbreak of riots and strike;
 - (iv) assisting prison administration in maintaining discipline and detecting and preventing serious breach of prison regulations or discipline;
 - (v) outstanding contribution in cultural activities, sports, education or vocational training or for excellent work done in the prison kitchen or hospital;
 - (vi) outstanding work in prison factories which may include innovative practices or using any special skills, especially good work in industry, agriculture or any other work programme; and
 - (vii) assistance to the Prison and Correctional Services Department in its drive to improve the educational standards of prisoners, such as imparting education or vocational training to prisoners as resource person, or for excellent work done in managing prison farm or garden.
- (2) Special remission may be awarded,-

-
- (i) by the officer in charge of prison for a period not exceeding thirty days in one year; and
 - (ii) by the Head of Department for a period not exceeding sixty days in one year.

Explanation: For the purpose of this rule, a year shall be reckoned from the date of sentence and any fraction of a year shall be reckoned as a complete year.

(3) Special Remission may also be awarded to any prisoner released under the Good Conduct Prisoners, Probational Release Act, 1926 by the Deputy Inspector General (Circle) for a period not exceeding thirty days in one year, on the recommendations of the District Probation Officer, for special services such as,-

- (i) special excellence in, or greatly increased out-turn of good quality; or
- (ii) assisting the employer in case of outbreak of fire, or protecting his life or property from theft and other meritorious services.

(4) An award of special remission shall be entered on the history ticket of the prisoner as soon as possible after it is made, and the reasons for every award of special remission by the officer in charge of prison shall briefly be recorded.

NOTE: Convicts not eligible for Government remission as per the remission policy shall, however, be eligible for special remission earned for their good conduct, while in prison custody, except for those convicted under the Narcotic Drugs and Psychotropic Substances Act, 1985.

10.20. Government Remission.-Procedure for grant of Government Remission shall be as follows:-

- (i) Remission granted by the Government shall be called Government Remission.
- (ii) The Government remission can be awarded to such prisoners or categories of prisoners as the Government may decide.
- (iii) In the case of prisoners who at the time of general grant of Government Remission are on temporary or emergency release, specific order of the Government for the award of this remission to such prisoners are necessary.
- (iv) Government remission shall be granted at such scale or such quantum as may be fixed by the Government from time to time.
- (v) Maximum limit of ordinary and special remission which a prisoner can earn shall not be more than one-fourth/25% of a substantive sentence (to be calculated from the date of his conviction). The remission granted by the Head of the State shall be in addition to the ordinary and special remissions which the prisoner has earned. However, under no circumstances, the

maximum limit of all types of remissions earned by a prisoner shall exceed one-third/33.33% of the substantive sentence.

- 10.21. Remission in calculating date of release.**-In calculating the date of release of a prisoner, the number of days of remission earned shall be converted into months and days at the rate of thirty days to each month.

Note 1: If the sentence of a prisoner is amended by the appellate court, the remission already earned shall be adjusted as per new sentence.

Note 2: If the sentence of a prisoner is amended by the appellate court leading to conviction(s) under sections of law under which remission is barred, the remission already earned shall be forfeited.

- 10.22. Effect of remission earned on a life convict.**-When a life convict or a prisoner in whose case the Government has passed an order forbidding his release without reference, has earned such remission as would entitle him to release but for the provisions of this rule, the officer in charge of prison shall report accordingly to the Government in order that his case may be considered with reference to section 432 of the Code of Criminal procedure, 1973.

- 10.23. Procedure to be followed at the time of release.**-When a prisoner is released under rule 10.22, the total amount of remission earned by him shall be endorsed on his warrant and on Admission Register No. 02 and the endorsement shall be signed by the officer in charge of prison.

- 10.24. Record of prisoner transferred.**-Transfer of prisoner record shall take place in the following manner, namely:-

- (i) When a prisoner is transferred to another prison, the total amount of remission earned by him up to the end of the previous month shall be endorsed on his warrant and entered on his history-ticket, these entries being signed by the officer in charge of prison.
- (ii) The receiving prison shall be responsible that the above information is duly obtained. Each prison at which a prisoner serves a portion of his sentence, shall be held responsible for the correct calculation of the remission earned in that prison.
- (iii) When a prisoner is transferred to another prison, his remission sheet (or card) where such is maintained, or where they are not maintained, a statement certified by the officer in charge of prison, of the total remission earned up to the date of transfer, shall be sent with the prisoner.

- 10.25. Recording of remission awarded or forfeited.**-(1) On the admission of any prisoner entitled to the grant of ordinary remission under these rules, the Deputy

Superintendent (Administration) shall prepare or cause to be prepared a "Remission Card" in respect of such prisoner. Such record shall also be maintained digitally in integrated prison management system. Prisoners who, though not entitled to the award of ordinary remission, have been granted special remission or other remission(s) shall have a remission card assigned to their name, whenever necessary.

(2) Assistant Superintendent, or any other official in charge of block/warrant officer (convicts), shall maintain remission sheets for prisoners eligible to earn remission. On the days appointed by the officer in charge of prison, these sheets shall be forwarded to the officer dealing with remission work and to the Deputy Superintendent (Administration) for inspection.

(3) The entries regarding all remissions shall be made, under proper attestation of the Deputy Superintendent (Administration) and officer in charge of prison, in the Remission Card and the History Ticket of the prisoner concerned by the officer dealing with remission work at the end of every quarter. The remission sheets shall be attached to the Remission Card of the prisoner. In case a prisoner is due for release before the completion of a quarter, these entries shall be made during relevant months and action regarding his release may be taken accordingly.

10.26. Publication of remission system rule.-An abstract of the above remission system rules translated into the vernacular Punjabi and English language shall be pasted up in every ward.

10.27. Maintenance of remission card.-(1) Remission card shall be kept securely in the convict warrant office along with warrant and no prisoner shall under any circumstances be allowed access to any remission card.

(2) Remission cards shall be retained in the office of the prison for a period of eight years after the release of the prisoner to whom they relate.

NOTE: For the convicted prisoner released on bail or on completion of sentence, the total remission earned by the prisoner shall be entered in the admission register and duly signed by the officer in charge of prison.

10.28. Maintenance of remission roll.-In the first week of every month the officer in charge of the remission work shall generate a report showing the names of all those prisoners who on supposition that they shall earn their full ordinary remission during the current month shall be entitled to release in the course of the month next ensuing. Such record shall also be maintained digitally in integrated prison management system. Deputy Superintendent (Administration) shall at the same time verify the accuracy of the entries in the roll by comparing it with the Remission Card and History Ticket and enter the probable date of release of each prisoner

in the Remission Roll and History Ticket. The Remission Roll shall then be submitted to the officer in charge of prison for his attestation and filed in the office.

- 10.29. Annual report on special remission.**-The officer in charge of prison shall furnish annually to Head of Department, a report showing in detail the grant of special remission during the year in excess of five days to any prisoner; a brief but clear detail of the grounds for each award.

(B) Rewards system

- 10.30. Rewards.**-(1) All prisoners sentenced to labour shall be eligible for the grant of special remission at the rate of one day for every additional day's task performed, the amount of work being calculated at the end of each calendar month. The prisoners sentenced to labour shall include prisoners sentenced to simple imprisonment who voluntarily elect to labour.

(2) In case of two or more men being employed on the same work with a joint out-turn, the amount earned may be divided equally amongst them or in such proportion as the officer in charge of prison considers equitable.

(3) Convicts employed on untasked as well as task of labour in prison shall be eligible for the grant of remission at the specified rates. The officer in charge of prison shall only grant remission to a prisoner on untasked labour if he is satisfied that the industry and exertion of the prisoner have been such as would have entitled him to the concession if he had been employed on the form of labour which is susceptible of being tasked.

(4) To ensure that the system of grant of special remission operates with as little unevenness as possible, the officer in charge of prison may fix a high minimum out-turn of work for professional or habitual prisoners employed on tasked labour.

(5) The time employed on work must not exceed eight hours daily as required by provisions of the Prisons Act, 1894.

(6) The extra work done must be voluntary, and the grant of remission shall be conditional on it being up to the requisite standard in quality as required by the officer in charge of prison.

(7) The officer in charge of prison must arrange for an adequate supply of materials for extra task work. No limit is to be placed on the amount of extra work which a convict, passed as fit for hard labour, may do subject to the time limit of hours of employment.

(8) A convict, if passed for medium or light labour, is to be rewarded for the extra work done over and above the task laid down for these classes of labour,

respectively, at the rate of one day's special remission for every additional day's work reckoned on the labour task of his class of labour.

(9) No convict passed for medium or light labour shall be permitted to do extra work without the sanction of the Medical Officer recorded in his history-ticket or to exceed in the total days' work- a hard labour task in the case of medium labour man, or a medium labour task in the case of a light labour man.

(10) Any convict suspected of being unfit at any time to do extra work, shall be brought to the notice of the Medical Officer with a view to him being stopped from doing extra work.

(11) The remission to be allowed to a convict whether on tasked or untasked labour shall not exceed the limits prescribed in clause (v) of rule 10.20.

10.31. Conditions of the award of gratuity/wages for industry.-Grant of gratuity/wages to convicts shall be governed by the Reorganization of Punjab Jail Industries "Earning Scheme".

CHAPTER 11

EXECUTION OF SENTENCE

11.01. Date of release, responsibility for correctness.-(1) The date on which a prisoner is entitled to be released, shall be calculated by the Deputy Superintendent (Administration) or concerned officer, and an entry shall be made in the release register under that date, giving the name and serial number, etc. of the prisoner. A reference note shall be made on the back of the commitment warrant for cross checking, along with signatures.

(2) In case the date of release is changed either by imposition of additional imprisonment, or by remission of any part of sentence, or because he was absconding from bail, or after escape, a new date of release shall be fixed and an entry shall be made under that date. The old entry must be stroked through with red ink and a reference of the new date must be made against it.

(3) The Deputy Superintendent (Administration) shall himself check each entry in the Release Register and Admission Register. He shall be personally responsible for their correctness.

11.02. Certain days to count as days of sentence.-(1) While calculating the day on which any prisoner is entitled to be released, the time period between the day on which the sentence is passed, and the day on which the prisoner is released, shall deemed to be the days of imprisonment:

Provided that, -

- (i) if in the case of any prisoner, two or more sentences are to be undergone otherwise than concurrently, no day shall be counted as a day of imprisonment in respect of more than one such sentence; and
- (ii) a sentence of imprisonment for one day or for twenty-four hours shall deemed to have expired on the morning following the day, on which the sentence was passed.

(2) The duration of a sentence shall be calculated in calendar years, months, fortnight, a week or days. The term 'year' means a year according to the British calendar, a 'fortnight' means fourteen days, and a 'week' means seven days.

(3) While calculating periods of imprisonment expressed in months, a month shall be deemed to be a calendar month.

(4) When a prisoner's sentence includes a fraction of a month, the date of release shall be calculated by reducing such fraction to days. A month, for this purpose, shall consist of thirty days.

For example, if a prisoner is sentenced to one and half months' imprisonment on

2nd February. The date of his release shall be 16th March.

(5) If the month in which the sentence of a prisoner expires has no date corresponding to the date of sentence, the last day of the said month shall be taken as the day of expiry of sentence. The same principle shall apply when the sentence is reduced due to reduction in sentence or payment of fine or grant or remission.

(6) In case of a convict who has to attend the court on the same day of his release, for a case in which he is not on bail, he shall be treated as released in the morning and sent to court as an under trial prisoner. If the prisoner is sentenced to further imprisonment, on that very date/day, the sentence shall be calculated from the following day.

Example 1: A prisoner sentenced to one year's imprisonment on the 15th January, 2013 shall be released on the 14th January 2014, a prisoner sentenced on the 1st January to one month's imprisonment shall be released on the 31st of the same month.

Example 2: A, B and C are sentenced, respectively to one month's imprisonment on the 29th, 30th and 31st January, 2014, all three sentences expire on the morning of the 28th February.

11.03. Serving of sentences.-In whatever order the sentences are served, a prisoner is liable to serve the aggregate of the terms of all the sentences, provided that under no circumstances shall a prisoner be detained in prison beyond the period indicated by the terms of the warrant of commitment. In case of doubt as to the order in which the sentences shall take effect, instructions shall be taken from the court imposing the last sentence.

11.04. Date of release in the case of prisoners sentenced to imprisonment for life.-(1) The imprisonment for life technically means imprisonment for the whole life. The sentence of all prisoners sentenced to imprisonment for life or to more than twenty years' imprisonment in aggregate, shall, for administrative purposes of calculation of the normal date of release, be deemed to be sentence of imprisonment for twenty years.

(2) If a sentence of death is commuted to one of imprisonment for life, or imprisonment for a fixed term, the sentence of imprisonment for life or imprisonment for a fixed term shall be deemed to commence from the date on which the sentence of death was passed.

11.05. Period to be excluded from sentence.-When by order of any competent authority, any prisoner is released on bail for any reason, or operation of any sentence of imprisonment passed upon any prisoner for any reason is suspended

for a time period, and such prisoner is subsequently again lawfully committed to prison, the period during which such prisoner was released on bail or the sentence of imprisonment passed on such prisoner was so suspended, shall unless the warrant or order of recommitment otherwise directs, be excluded while calculating the period of the sentence.

Provided that, a prisoner who is released on bail on the day on which the sentence of imprisonment is passed, shall not be deemed to have undergone any part of his sentence until he is again placed in confinement; and that this rule shall not be deemed to apply to persons undergoing imprisonment under the provisions of section 122 of the Code of Criminal Procedure, 1973.

NOTE: A prisoner released on bail, on a day subsequent to the day on which he was committed to prison, who is again recommitted to undergo sentence in the same case, shall be entitled to count every day of admission and every day of release as days of imprisonment in respect of such sentence.

- 11.06. Date of release when a period has been excluded from sentence.**-When a period has been excluded from a sentence under the preceding rule, the mode to be adopted in calculating the date of release is to take the full term of the sentence as commencing from the date of re-admission, and deduct from it, the number of days already spent in prison. The date so arrived at will be the date on which the sentence expires.
- 11.07. Date from which a sentence finally passed shall count.**-When an appellate court modifies a sentence passed by a lower court without change of section, or when an appellate court passes a new sentence by changing the convicting section or the punishment section or otherwise, the sentence finally passed shall count unless otherwise specially directed from the date of imprisonment, under the original sentence.
- 11.08. Two or more sentences, how to take effect.**-(1) Regarding the manner in which two or more sentences inflicted at the same time or at different times, on the same person is to take effect, provisions of section 426, 427 and 428 of the Code of Criminal Procedure, 1973 shall apply.
- (2) When two or more sentences on separate trials are awarded to a person on the same day, the severe sentence shall commence first. For this purpose, the sentence of rigorous imprisonment shall be deemed to be severe than the sentence of simple imprisonment.

Examples:

- (a) When a person is sentenced for life imprisonment and term imprisonments

on the same day, the sentence of life imprisonment shall commence first.

- (b) When a person is sentenced to 5-year rigorous imprisonment and 4-year rigorous imprisonment on the same day, the sentence of 5-year rigorous imprisonment shall commence first.
- (c) When a person is sentenced to 5-year rigorous imprisonment and 5-year simple imprisonment on the same day, the sentence of 5-year rigorous imprisonment shall commence first.
- (d) When a person is sentenced to 5-year simple imprisonment and 4-year rigorous imprisonment on the same day, the sentence of 5-year simple imprisonment shall commence first.

11.09. Effect of annulling the first of two sentences.—(1) When a prisoner has been committed to prison under one trial but two separate warrants, and the sentence of one warrant is to take effect from the expiry of the sentence of the other warrant, the date of the second sentence shall, in the event of the first sentence being set aside in appeal, be presumed to take effect from the date on which he was committed to prison under the first or original sentence.

(2) When separate sentences have been passed in separate trials, and the sentences run consecutively under section 427 of the Code of Criminal Procedure code, 1973, the operation of the second sentence, in event of the first sentence being set aside on appeal, shall commence from the date of conviction in the second case.

Illustration:

- (a) A prisoner is sentenced on 1st July to two periods of six months' imprisonment for two offences. On appeal, the first sentence is quashed on 31st August. The prisoner will be entitled to be release on 31st December.
- (b) A prisoner is sentenced on 1st July to six-month imprisonment, and on 1st August, to another period of six-month imprisonment. On appeal, the first sentence is quashed on 31st August. The prisoner will be entitled to release on 31st January.
- (3) When separate sentences have been passed in separate trials, the period in custody as under trial or period after conviction in other cases subsequent to conviction in first case, shall not be counted till the period of sentence in the first case has been completed or sentence in the first case has been suspended by a competent authority.

11.10. Date of release when two or more sentences run consecutively.—When a prisoner is sentenced to two or more terms of imprisonment, to be served

consecutively, the date of release shall be calculated as if the sum of the terms was awarded in one sentence.

Example: A prisoner, sentenced on the 21st June 2012 to one year's imprisonment is, for another offence, subsequently sentenced to a further term of one year, the period of imprisonment to commence from the expiration of the first sentence, he shall be released on the 20th June 2014, and not on the 19th June 2014.

11.11. Intimation of payment of fine.-(1) When fines imposed on prisoners are recovered by a court, intimation of the same shall be received by the officer in charge of prison from the court. If the convict has been transferred elsewhere, the officer in charge of prison shall forward such intimation by approved means of communication to the prison in which the convict is confined. All intimations regarding fine shall be acknowledged.

(2) No action shall be taken on intimations regarding fine which do not bear the seal of the court. Such intimation shall be returned to the court for proper authentication and for affixing seal of the court. Telegrams shall not be accepted as intimations of recovery of fine. When intimation of payment of fine by a prisoner is received from a police officer, it shall be returned to that officer with a request that it may be forwarded through the court awarding the sentence.

11.12. Payment of fine at the prison.-The officer in charge of prison is authorized to receive fines tendered at the prison. In absence of the officer in charge of prison, the Deputy Superintendent (Administration) shall receive the fine or portion thereof tendered to him, and shall on the first opportunity, produce the warrant with an entry of the fact that such payment has been made, for the signature of the officer in charge of prison.

NOTE: Fines received at the prison shall without delay be remitted into the local treasury under appropriate head of account. All fines tendered to a prison shall be received irrespective of the fact that the prisoner is due for release or not, provided he is confined in the prison at which the fine is paid.

The imprisonment which is imposed in default of a payment of a fine shall terminate whenever that fine is either paid or levied by process of law.

11.13. Liability of prisoner to payment.-If an offender, who has undergone the full term of imprisonment to which he was sentenced in default of payment of fine, is still liable to have the fine levied by distress and sale, the officer in charge of prison shall accept the whole fine, if tendered, even though a part of the alternative

imprisonment has been undergone.

- 11.14. Prisoners to be informed.-**When the fine has been paid, the prisoner concerned shall be informed and the payment shall be duly noted in Register no. 02, on the warrant, and on the prisoner's history ticket. The entries in the register, the warrants, and history tickets shall be signed by the officer in charge of prison and the Deputy Superintendent (Administration).
- 11.15. Disposal of notice of payment of fine.-**If a fine is paid, in part or whole, after a prisoner is admitted to prison, the court receiving it shall, unless it has already received back the prisoner's warrant with an endorsement showing that he has been released, notify the officer in charge of prison in which the prisoner was first confined after conviction. This notification shall be filed with the warrant and returned with it after the sentence has been completed.
- 11.16. Calculation of sentence of imprisonment in default of payment of fine.-**Sentences awarded in default of payment of fine shall be calculated as follows:-
- (i) Sentences imposed in default of payment of fines cannot run concurrently.
 - (ii) If a prisoner sentenced to imprisonment in default of payment of fine receives another sentence while undergoing such imprisonment, the second sentence shall begin from the date on which the first sentence expires or if the fine is paid, from the date of payment.
- Example:** A prisoner is sentenced on 31st January to pay a fine of Rs. 300 or in default, to two months' rigorous imprisonment. On 12th February of the same year, he is sentenced on another account to an additional imprisonment for four months. The fine is paid in full on 28th February. The sentence of four months of imprisonment shall begin from 28th February and not from 31st January.
- (3) The imprisonment, which is imposed in default of payment of a fine, shall terminate whenever that fine is either paid or levied by the process of law.
 - (4) If a prisoner is sentenced to imprisonment, of which the whole or any portion thereof is in default of the payment of any fine, and if the fine or a portion of it is not immediately paid, the dates of release shall be calculated and entered on the prisoner's warrant and history ticket and in the registers so as to correspond both with payment and with non- payment of fine.
 - (5) If a prisoner, who is sentenced to a fine and in default to imprisonment, pays a portion of the fine, the date of release shall be proportionally altered. If the imprisonment in default of payment of fine is expressed in calendar months, reduction of imprisonment to be made in consequence of such payment

shall be calculated in calendar months and not in days. Any fraction of a month obtained by such calculation shall be reduced to days. When the fraction thus obtained, is not exactly equal to any number of days or is less than a single day, the portion of a day which results shall be considered and treated as being equal to a full day.

Example: A prisoner is sentenced on 1st January to a fine of Rs. 300 or in default to it, six months' imprisonment. No part of the fine is realized except a sum of 75 paise. He shall be released on 29th June, even though the amount realized is less than the full amount due for a single day.

- (6) When a prisoner is sentenced to fine and the fine is paid in instalments, the period of sentence to be remitted shall not be calculated on the individual payments but on the aggregate of the several previous payments.

Example: If a prisoner is sentenced on 1st January to six months' imprisonment and to a fine of Rs. 300 and it is ordered that if the fine is not paid, he shall be imprisoned for a further period of six months, then if the prisoner pays Rs.100 immediately on conviction, the date of release shall be first fixed at 31st October (six months plus four months as equivalent of the fine unpaid). If he pays another Rs.100 afterwards, the date will be changed to 31st August. On his paying the entire amount of the fine, the date will be changed to 30th June.

- (7) If a prisoner who is sentenced to a fine and in default, imprisonment for a certain number of years, months and/or days, pays a part of the fine, the remission for the payment shall be calculated in year and months and not in days, and any fraction of a month, obtained by such calculation shall be reduced to days. When the fraction thus obtained, is not exactly equal to any number of days, or is less than a single day, the portion of a day which results, shall be considered and treated as being equal to a full day in favour of the prisoner.

- 11.17. Calculation of date of release when fine is partially paid.**-If a prisoner be sentenced to imprisonment of which the whole or any portion is in default of the payment of any fine, and if the fine or a portion of it be not immediately paid, the date of release shall be fixed and entered in the release diaries on such dates as shall correspond to payment as well as non-payment of the fine. When any portion of the fine is subsequently paid, the date of release shall be altered accordingly.

Example: If a prisoner be sentenced on the 1st January to six-months'

imprisonment, and to pay a fine of Rs. 300, or in default of payment, to be imprisoned for a further period immediately on conviction, pays Rs. 100, the date of release shall be first fixed at 31st October, that is, six months plus four months (being the term proportionate to the amount of the fine unpaid). Entries shall be made in the release register on 30th June and 31st October. If he pays another Rs. 100 afterwards, the latter date shall be changed to 31st August. On the payment of whole fine, the fact shall be noted opposite the entry on 30th June.

- 11.18. Calculation of remission on payment of fine.**-If a prisoner, who is sentenced to a fine and in default, to imprisonment for a certain number of months, pays any part of his fine, the remission for the payment shall be calculated in calendar months, and not in days. Any fraction of a month obtained by such calculation shall be reduced to days. A fraction of a day less than one-half shall not be counted. Any greater fraction shall count as one day.

Example:

- (a) If a prisoner be sentenced on the 15th July to six-month imprisonment and to pay a fine of Rs. 300, or in default of payment, to six-month further imprisonment, and he pays Rs. 63, the calculation shall be made as following: $\text{Rs. } 63/300 \times 6 \text{ months} = 63/50 = 1 + 13/50 \text{ months}$. The date of release, deducting one month, would fall on 14th June. As the month preceding June has 31 days, so $13/50 \times 31 = 403/50 = 8 + 3/50 \text{ days}$. Here the remission for payment of Rs. 63 is one month and eight days.
- (b) If the prisoner has been sentenced on 15th June instead of 15 July, the calculation of the $13/50$ of a month would have to be made on a 30-day month because from any date in April to the same date in May is 30 days as follows: $= 13/50 \times 30 = 39/5 = 7 + 4/5 \text{ days}$. So in this case, the remission would be 1 month and 08 days ($4/5$ of a day being more than half a day).

- 11.19. Procedure when a prisoner with imprisonment in lieu of fine is transferred.**-When a prisoner whose sentence includes an order of imprisonment in default of payment of fine, is received by transfer from a prison other than the prison in which he was first confined, intimation shall forthwith be given by the receiving prison to the officer in charge of prison where he was first confined, who shall cause a record or receipt of such intimation to be made in the admission register of his prison. The officer in charge of prison to which a prisoner was first committed is responsible for seeing that the notification of payment of the fine received by him is promptly transmitted to the prison in which the prisoner is confined, and such notice shall be sent by any approved means of communication.

- 11.20. Imprisonment in lieu of fine to succeed substantive sentence.**—If a prisoner sentenced to a term of imprisonment in default of payment of fine, is either at the same time or subsequently sentenced to a term of imprisonment without the option of fine, the imprisonment in default of payment of fine shall be kept in abeyance till the expiration of all the substantive sentences of imprisonment.

Example: A prisoner is sentenced on 9th June, 2007 to two-years rigorous imprisonment and a fine of Rs. 50, or in default six months further rigorous imprisonment. On 17th July of the same year, he is sentenced (on another charge) to imprisonment for 18 months, and on 6th October, 2008, he is again sentenced (on another charge) to imprisonment for two years, the sentence of six-month imprisonment in default of payment of fine shall begin from 9th December, 2012 (the date on which all the substantive sentences expire, that is, 8th December, 2012).

NOTE: This rule covers the case of a prisoner whose first sentence of imprisonment is in default of payment of fine. Any substantive sentence of imprisonment subsequently passed shall count from the date of the first sentence, and the imprisonment in lieu of fine shall take effect last. Although, a portion of it may have been already served when the substantive sentence was awarded. If, however, the imprisonment in default of payment of fine is of a different character to that of the substantive sentence, such imprisonment in default shall be completed before the substantive sentence of imprisonment shall take effect.

- 11.21. Imprisonment in default of giving security in addition to a substantive sentence.**—(1) When a person, in respect of whom an order requiring him to furnish security is made under section 106 or 117 of the Code of Criminal Procedure, 1973, is at the time of such order sentenced to or is undergoing a sentence of imprisonment, the period for which such security is required shall commence on the expiry of such sentence. In other cases, such period shall commence on the date of such order being passed, unless the Magistrate, for sufficient reasons, fixes a later date. If such person fails to give security on or before the date of expiry of his substantive sentence, he shall be detained in prison until the expiry of the period for which the security is required to be furnished, or until the requisite security is furnished. It is not necessary in such cases that a formal warrant shall be issued by the Magistrate for the detention of such person in prison after the expiry of the substantive sentence.

Example: A prisoner, while undergoing three-month imprisonment, is ordered by a competent court to execute a bond under section 106 of the Code of Criminal Procedure, 1973 for keeping peace for a term of six months

and execute a bond in a sum of Rs. 25 with one surety for a like amount, fails to give security on or before the date on which the three-month substantive imprisonment expires, he shall be detained in prison until he furnishes the required security, or until the term for which such security is to be given is completed. However, no formal warrant is necessary for such detention.

(2) If a person while undergoing imprisonment under an order under Section 122 of the Code of Criminal Procedure, 1973 in default of furnishing security, is convicted of an offence committed prior to the making of such order, and is sentenced to undergo imprisonment, such sentence shall commence from the date on which it was passed. If such sentence expires before the period for which the person is undergoing imprisonment in default of giving security, he shall be detained for remainder of such period. If, however, a person while undergoing imprisonment in default of furnishing security is convicted of an offence committed after issue of an order under section 122 of the Code of Criminal Procedure 1973, and is sentenced to imprisonment, such sentence shall commence at the expiration of imprisonment for failure to furnish security, unless the court directs that such sentence shall run concurrently with imprisonment for failure to furnish security.

(3) Sentences awarded under Section 52 of the Prisons Act, 1894 shall commence on the expiry of imprisonment in default of furnishing security, or from the date of receipt of intimation that the security has been furnished.

(4) Where a prisoner, who is already undergoing substantive sentence of imprisonment, has been ordered to undergo a further sentence in default of furnishing security for keeping peace or good behaviour under the Code of Criminal Procedure, 1973 (Chapter VIII), the order shall be brought to the notice of the Session's Judge, to whom such judicial magistrate is subordinate.

(5) The period mentioned in section 122(2) of Code of Criminal Procedure, 1973 shall be counted from the date of the order of the Session's Judge or High Court, unless the latter specifically directs in the warrant that it is to be counted from some other date. In such a case, the direction of the superior court shall be complied with.

(6) Detention for failure to give security is not a substantive sentence of imprisonment within the meaning of section 427 of Code of Criminal Procedure code, 1973.

11.22. Procedure when sentence is suspended.-(1) When an appellate court directs that the execution of a sentence, or order appealed against it be suspended, the

appellant shall, if detained in prison pending further orders of such courts, be treated in all respects as an under trial prisoner.

(2) In case the appellant is ultimately sentenced to imprisonment or imprisonment for life, the period during which the original sentence was suspended shall, -

- (i) if passed while the prisoner is in prison, be included; and
- (ii) if passed when the prisoner was at large, be excluded, in computing the term for which he is sentenced by the appellate court.

11.23. Imprisonment awarded to an escaped convict how to take effect.-(1) In the case of an escaped prisoner subsequently arrested in connection with another offence, any period spent on that account in police custody, or as an under trial prisoner, shall not be reckoned as imprisonment under the original sentence.

(2) Necessary entries shall be made in the register of prisoners to be released, in place of the original date of release, in respect of all such prisoners.

(3) When an additional sentence of imprisonment is passed on an escaped convict who has been recaptured, such sentence shall take effect in the following manner, namely:-

- (i) If the new sentence is severer in its kind than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately, and the unexpired portion of the sentence he was undergoing when he escaped shall be served subsequently.
- (ii) When the new sentence is not severer in its kind than the sentence which such convict was undergoing when he escaped, it shall take effect after he has served the portion of his original sentence, which at the time of his escape, remained unexpired.

NOTE: A sentence of rigorous imprisonment is severer than one of simple imprisonment.

11.24. When retrial is ordered.-When a court passes a sentence after retrial, or after the original sentence is reversed and retrial (fresh trial) is ordered on appeal, the previous sentence, or portion thereof, already undergone by the prisoner before the fresh trial shall also count, unless otherwise specifically directed, towards the sentence imposed after the fresh trial, excluding any period during which the prisoner was at large.

11.25. When an appellate court annuls a sentence and orders retrial.-When an appellate court annuls a sentence, and directs that the prisoner be retried, and a warrant for the prisoner's release on bail is not received, the prisoner shall be remanded to the under trial yard (unless he is undergoing some other sentence).

The officer in charge of prison shall apply to the committing court for warrant for his custody, pending trial, if such warrant is not at the same time furnished. Such warrant shall set forth the court by which the prisoner is to be tried, and the date on which he is to be produced before the court.

11.26. Procedure when a sentence is confirmed.— (1) When an appeal is rejected, or a sentence is confirmed by an appellate court other than the High Court, intimation to that effect shall be sent to the officer in charge of prison by such appellate court, and such order shall also be communicated to the lower court for record.

(2) When rejection by the High Court, of an appeal or revision application from a prisoner, is communicated to the court by which such prisoner was convicted, such court shall at once cause intimation of such decision to be given to the prisoner.

(3) In cases referred by the court of sessions for the confirmation of a sentence of death by the High Court, the High Court shall send a copy of its order to the Court of Sessions which shall then issue warrants to the officer in charge of prison.

11.27. Prisoner shall be informed of the result of his appeal or application.—In all cases, the officer in charge of prison shall acknowledge by a letter, the receipt of any warrant or order or intimation, and shall also inform the prisoner of the result of his appeal or application.

11.28. Procedure when a sentence is modified or reversed on appeal.—(1) When a sentence on a prisoner is reversed or modified on appeal by a court, other than the High Court, a fresh warrant shall be issued by the appellate court to the officer in charge of prison, and such order shall also be communicated to the lower court:

Provided that when the appellate court orders retrial or committal for trial of a prisoner under section 386 of the Code of Criminal Procedure, 1973, it shall communicate its order to the court whose decision has been reversed, and that court shall thereupon, make such orders as are conformable to the judgement of the appellate court.

(2) When a case is decided on appeal or revision by the High Court, the court or Magistrate to which the High Court certifies its order, shall proceed under the provisions of section 388 or 405 of the Code of Criminal Procedure, 1973 to issue, when necessary, a fresh warrant or order to the officer in charge of prison.

(3) In all cases in which a sentence or order is modified or reversed, whether on appeal or revision, a separate warrant shall be issued as regards each prisoner

whose sentence has been so modified or reversed.

11.29. Calculation of sentence modified on appeal.—When an appellate court simply modifies a sentence passed by a lower court without change of section, or when an appellate court passes a new sentence by changing the conviction section or the punishment section or otherwise, the sentence finally passed shall count, unless otherwise specially directed, from the first day of imprisonment under the original sentence.

11.30. Calculation of date of release on re-arrest and recapture of a prisoner.—
(1) The following method shall be adopted in calculating the date of release of a prisoner who, after conviction, is released on bail but is afterwards recommitted to prison to serve his sentence, or who escapes and is subsequently recaptured, namely:—

Add the number of days for which the prisoner was on bail, or was at large, to the term of the sentence, exclusive of the day of release and re-arrest, or of escape and re-capture. The date on which the sum of these periods will elapse, counting from the date of conviction, shall be the date of expiry of sentence.

Example: A prisoner sentenced on 1st January to one month's imprisonment escapes on 15th January and is re-captured on the 16th. He shall be entitled on the original warrant to be released on the 31st January.

(2) If a convicted prisoner, who has been released on parole, commits an offence during his parole period, and is readmitted to the prison, the period for which the convict was on parole shall not be counted towards the substantive sentence.

11.31. When a foreigner is sentenced to a term of imprisonment.—If a foreigner, apprehended and detained under Section 4 of Foreigners Act, 1946 (Central Act 31 of 1946), has to undergo a term of imprisonment, the period of detention under the Foreigners Act shall be exclusive of and additional to the period of any sentence of imprisonment, which may be imposed upon him.

CHAPTER 12**RELEASE OF PRISONER**

NOTE: For the method of calculating the date of release, see Chapter XI on Execution of Sentence.

12.01. Examination of warrants.—The warrants of all convicts, whose release becomes due in any month, shall be examined on the 20th day of the preceding month, to ascertain their correctness.

12.02. Notification of residence by a prisoner under section 356 of the Code of Criminal Procedure, 1973.— (1) Prisoner, in respect of whom the sentencing court has recorded an order under section 356 of the Code of Criminal Procedure, 1973, shall, at least two months before the date fixed for his release, upon being required to do so by the officer in charge of prison in which he is confined, or by any person authorized in his behalf by the officer in charge of prison, notify the officer in charge of prison or person authorized by him, as the case may be, in the form specified by the Head of Department, the place in which he intends to reside after his release.

(2) Officer in charge of the concerned prison shall, at least one month before the probable date of the prisoner's release, report to the District Superintendent of Police, in the form specified by the Head of Department, containing the name and other particulars necessary for the identification of the prisoner, and the place at which such prisoner intends to reside after his release.

(3) If, the prisoner, is residing at any place other than that notified by him in accordance with sub-rule (1) he shall, within 15 days or as early as practicable, attend in person at the police station or outpost within the local limits of place in which he is residing, and shall notify his place of residence to the officer in charge of the police station thereof.

NOTE: In every case in which a criminal court makes an order under section 356 of the Code of Criminal Procedure (directing a convict to notify his residence and every change of residence after release), a copy of such order shall be transmitted by the court passing the sentence along with the warrant of commitment, to the officer in charge of prison in which the prisoner is, or is about to be confined.

12.03. Procedure when sentence expires.—(1) When the sentence of a prisoner expires, the warrant officer shall bring him before the Deputy Superintendent (Administration), who shall bring him before the officer in charge of prison, together with his warrant, and the prisoner shall be released at the prison gate.

(2) Every order for the final discharge of a prisoner shall be signed by the

Deputy Superintendent (Administration).

(3) No prisoner shall be released without the explicit order of the Deputy Superintendent (Administration).

(4) It shall be ensured before the release of every prisoner that he is not under-trial in any other case, and that no other sentence of his is pending execution. Entries and cross entries of pending cases or other convictions shall be recorded prominently in red ink at the back of every conviction or detention warrant as well as the corresponding prison registers.

12.04. Deputy Superintendent may release certain prisoners.—(1) In case of a release on appeal, payment of fine, furnishing security or giving bail, in which the power of legal detention ceases as soon as the order of the court is delivered at the prison, the Deputy Superintendent (Administration) shall release the prisoner, on his own responsibility, provided that, an immediate reference to the officer in charge of prison is made. The warrant of such prisoner shall be signed by the officer in charge of prison as if the prisoner was released before himself.

NOTE: Primarily, it is the duty of the officer in charge of prison to remain present at the prison premises, and release the prisoner in his presence. Only in exceptional cases when it may not be practicable to contact the officer in charge of prison, the Deputy Superintendent (Administration) may effect release on his own responsibility.

(2) The case of every prisoner not released at the time he is entitled to be released, shall be reported to the Head of Department.

12.05. Warrant of release of a prisoner transferred to another prison.—On receipt of a warrant for the release of a prisoner, who has been transferred to another prison, such warrant shall be forwarded, without delay, through approved means of communication as well as through a special messenger, to the prison in which the prisoner is confined, under intimation to the court issuing such warrant.

12.06. Total remission to be endorsed on warrant of release.—When a prisoner is released, the total amount of remission earned by him shall be entered in his warrant, and in the Admission Register alongwith an endorsement by the officer in charge of prison.

12.07. Health and weight of prisoner to be recorded.—The Medical Officer shall record, or cause to be recorded, the health and weight of every prisoner on release in the Admission Register, Release Diary and history ticket.

12.08. Identification of prisoner on release.—Every prisoner shall, before being released, be carefully identified with reference to the personal description of

such prisoner recorded in the Admission Register, and the officer in charge of prison and Deputy Superintendent (Administration) shall satisfy themselves that the prisoner brought forward is entitled to be released, and that his sentence has been duly executed except in respect of any remission earned, and granted in pursuance of the remission rules.

12.09. Prison from which a prisoner is to be released.—Prisoners shall ordinarily be released from the prison in which they are confined at the time of release. The Head of Department, may by special orders, direct those prisoners confined in any prison to be transferred to a prison in their home district so that they may subsequently be released from the prison situated in their home district.

12.10. Time of release of prisoners.—(1) No prisoner shall be released after an hour of lock-up for the night, and before sunrise on any day.

(2) The officer in charge of prison shall ensure that the prisoner is informed immediately of his release, if the orders directing his release are received before 06:00 PM; if received after 06:00 PM, the prisoner shall be informed after lock-out on the next day.

(3) Every prisoner, whose release has been ordered by a competent court on any day, shall be released on the same day, as soon as possible, after the receipt of the order directing his release. In case of receipt of order of the court after 05:30 PM during the months of November to February and after 06:00 PM during months of March to October, such prisoner shall be released, as soon as possible on the next day.

(4) Subject to the provisions of sub-rule (2), prisoner shall ordinarily be released as soon as possible after sunrise.

12.11. Prisoner to produce his prison outfit on release.—(1) Every prisoner shall, before he is released, be required to produce, for inspection, and submit his complete prison outfit in a clean condition. Any prisoner whose clothing is dirty shall be made to wash and clean it before he is released.

(2) A convict about to be released shall present himself before Deputy Superintendent (Administration) in his private clothes, or if he has no clothing of his own, in the clothing provided to him by the officer in charge of prison.

12.12. When date of release falls on prison holidays.—If the date on which any prisoner would be entitled to be released, falls on a Sunday or prison holiday, such prisoner may be released on the preceding day.

Provided that, if for any reason, a civil prisoner is entitled to be released on a prison holiday, he shall be released on that day.

- 12.13. Release on the authority of Wireless Message or E-mail.**-No prisoner shall be released on the authority of any wireless message unless such orders are received through official Government e-mail ID provided by the district court or subordinate court, or unless such orders are received from a court employee who is specifically deputed for this purpose.
- 12.14. Procedure when doubt is raised about the legality of the release order/warrant of release.**-(1) When a doubt is raised about the authenticity of a release order received, a clarification shall be sought from the issuing authority immediately through approved means of communication. When the legality of any order is in doubt, appeal shall be filed with the superior court seeking directions.
- (2) In every such case, following provisions shall be followed, namely:-
- (i) The prisoner shall not be released forthwith on wireless message unless duly verified.
 - (ii) Immediately, the matter shall be sent to the court concerned with observation(s)/query about the release orders.
 - (iii) The matter shall be sent without any delay through fax, email or special messenger.
 - (iv) The queries/observation(s) may be clarified telephonically during court hours. If queries have been clarified, then the prisoner shall be released immediately, a note shall be recorded in concerned register, and shall be duly signed by Deputy Superintendent (Administration).
 - (v) If it is not possible to clarify the queries due to non-working hours of court, court holiday, or any other exigency, the prisoner shall be detained, and shall be released after clarification from the court concerned.
- 12.15. Prisoner on release to be furnished with certificate.**-A prisoner sentenced to imprisonment, shall be furnished at the time of his release with a certificate, in the form specified by the Head of Department, signed by the officer in charge of prison, to the effect that he has completed his term of imprisonment, the amount of remission, if any, being stated therein. A report on his character, conduct in prison, and proficiency in any prison industry attained by him shall also be included in the certificate.
- 12.16. Return of prisoner's property on release.**-At the time of releasing every prisoner, the officer in charge of prison shall deliver, or cause to be delivered to him, all money and other property (if any) belonging to him. An acknowledgement of the receipt of the money and other property (if any) shall, if the prisoner can write, be taken from him in the Admission Register. If the prisoner cannot write,

he shall be called upon to state, whether he has or has not received all the money and the property belonging to him, and if not, what articles or their value, have not been delivered to him. If any part of the prisoner's money or other property is not delivered to him, a note of the fact shall be made opposite the item not delivered in the list attached to his warrant, and the officer in charge of prison shall decide whether any compensation is to be granted to the prisoner in respect thereof, and shall pay such compensation, or cause it to be paid, to the prisoner accordingly:

Provided that no prisoner shall be entitled to receive any compensation, other than the sale-proceeds (if any), in respect of any property at any time, destroyed or sold in accordance with the provisions of rule 7.05.

NOTE: Compensation for money or other property lost while in the custody of any officer of the prison shall be paid at the expense of the officer responsible for such loss.

12.17. Conditions under which clothing may be supplied to a released prisoner.-

Every prisoner whose clothing has been sold or destroyed, or is insufficient for purpose of health or decency, may upon release, be supplied, at the expense of the Government, with such clothing as the officer in charge of prison may consider necessary and suitable:

Provided that, if any prisoner possesses sufficient means, he shall, if so desires, be supplied with clothing at a cost price, on payment.

12.18. Travelling assistance to prisoners on release.-Prisoners shall, usually, be granted no travelling allowance, but if any such prisoner does not have sufficient money with him, he shall be provided with the fare for the normal route to his home using the cheapest mode of transport available.

12.19. Release of female prisoners.-(1) Intimation of the date of release of every female prisoner shall, one month before such date, be given to the family members or relatives of the female prisoner through a telephonic message or by any other means of communication. The said family member or relative shall be informed that suitable escort may be arranged on the said date for receiving the female prisoner upon release at the prison gate.

(2) In case no family member or relative appears to receive her, a suitable female escort shall be provided by the officer in charge of prison. If the female prisoner is unwilling to accept the female escort, and gives the same in writing, she shall be released in an ordinary manner.

NOTE: If the family member or relative is not willing to accept the female prisoner, or the female prisoner is not willing to go with any of the family members or relative, then the officer in charge of prison shall

be the competent authority to send her to Nari Niketan or any other such Government institution, after taking approval from the female prisoner in writing:

Provided that, if the female prisoner is not willing to go to Nari Niketan or any such Government institution, then after taking her refusal in writing, the female prisoner shall be released in an ordinary manner.

- 12.20. When a prisoner may be released on recognizance.**—(1) If the warrant of an appellate court directs that a prisoner shall be released on bail on personal bond or another person's bond, the officer in charge of prison shall receive from the Magistrate or other competent authority, an intimation in writing that such bail or bond has been duly furnished, and that such prisoner may be set at liberty in accordance with the terms thereof.
- (2) The personal bond of a prisoner, whose release has been ordered, may be drawn up in the prison office, and attested by the officer in charge of prison, or by the Deputy Superintendent (Administration) in the absence of the officer in charge of prison.
- 12.21. Procedure for return of warrant.**—(1) On the release of a prisoner, upon the expiry of his sentence or on bail, his warrant shall be returned to the court which (and not by name to the officer who) issued it, with an endorsement showing the date and cause of release, and the date on which the warrant is returned.
- (2) The warrant of every prisoner who dies in prison shall be returned to the concerned court of the District in which he has been convicted.
- (3) If any prisoner is required to undergo two or more sentences under separate warrants, each such warrant shall be returned as soon as the sentence to which it relates has been executed.
- (4) Warrants of commitment of prisoners sentenced by court martial shall be sent to the officer commanding the unit in which the court was held, after the sentences have been executed.
- (5) Warrants of commitment of escaped prisoners, who have not been recaptured, shall be returned to the convicting courts after a period of seven years from the date of escape.
- 12.22. Return of warrant.**—(1) When an accused has been admitted to bail pending the hearing of his appeal, the original warrant of commitment shall be returned by the prison authorities to the court which issued it along with the request that it be forwarded to the appellate court.
- (2) In every case, in which a sentence is reversed on appeal, the appellate

court shall return the original warrant with a copy of its order to the court by which the accused was admitted to bail, with directions to discharge him.

(3) In every case, in which a sentence is modified on appeal, the appellate court shall prepare a fresh warrant and shall forward the same with the original warrant, and with a copy of its order to the court by which the accused was admitted to bail, with directions to take measures to secure his surrender, and commitment to prison on the modified warrant.

(4) In every case, in which a sentence is confirmed on appeal, the appellate court shall return the original warrant with a copy of its order to the court by which the accused was admitted to bail, with direction to take measures to secure his surrender, and commitment to prison on the original warrant.

(5) In each of the above-mentioned cases, it shall be the duty of the Court, to which the accused surrenders to his bail, to endorse on the warrant, the dates of his release on bail, and of his subsequent surrender.

12.23. Action where an accused surrenders to his bail.-Where an accused surrenders to his bail in the appellate court, such court, in every case, in which the sentence is reversed on appeal, shall discharge him; and in every case in which the sentence is modified, or confirmed on appeal, such court shall forward the accused under the charge of a police officer, with the modified or original warrant to the Chief Judicial Magistrate with directions to commit him to custody as mentioned in sub-rule (3) and (4) of rule 12.22.

12.24. Case of a prisoner suffering from serious illness at the time of release.-If, on the expiration of his sentence, a prisoner is found to be suffering from serious illness, he shall, if he elects to remain under treatment in prison, under provisions the Prisons Act, 1894, be allowed to do so until certified fit for discharge.

12.25. Release of a convict suffering from disease.-(1) With the consent of the District Magistrate, within the limits of which, an offence by the prisoner was committed, the officer in charge of prison may release a prisoner suffering from disease:

Provided that, -

- (a) the disease is likely to prove fatal if the prisoner remains in prison;
- (b) there is a reasonable chance of recovery if the prisoner be released;
- (c) the prisoner has not done any willful act, since he has been in prison, to produce or aggravate his disease;
- (d) the Medical Officer recommends the release and certifies that conditions (a), (b) and (c) are fulfilled; and

(e) the prisoner is due to be released in less than six months.

(2) The prisoner shall be informed before release that his release is subject to the sanction of the Government, and that, if such sanction be withheld, he shall have to return to prison to serve out the remainder of his sentence, and that the prisoner shall be required to give security bond of two persons to the effect that they shall be responsible to produce the prisoner before the officer in charge of prison, if required to do so.

(3) The case mentioned in rule 12.24 shall be immediately reported to the Head of Department, in the specified form, for submission to the Government.

12.26. Action in case of difference of opinion.-If, the District Magistrate dissents from the recommendations of the officer in charge of prison, the case shall be submitted to the Commissioner of the Division within the limits of which offence by the prisoner was committed, and he may either order the prisoner's release, subject to the provisions of rule 12.25, or submit the case for the orders of the Government.

12.27 Premature release of life convicts.-The Government shall formulate a policy for premature release of life convicts under section 433-A, read with section 433-A of the Criminal Procedure Code, 1973, and guidelines issued for premature release of life convicts under Article 161 of the Constitution of India.

CHAPTER 13**APPEALS/REVISIONS, PETITIONS, INTERVIEWS AND COMMUNICATIONS****(A) Appeals/Revisions and Petitions****13.01. All facilities to be given to prisoners desiring to file an appeal/revision.-**

(1) Every prisoner shall, on admission to prison, be informed of the period of limitation and that an appeal/revision from the order under which he has been committed to prison may be filed. Such information shall be conveyed to the prisoner by the Deputy Superintendent (Administration) or the concerned Assistant Superintendent to whom the power is delegated for such purpose. Every facility shall be provided to him for the said purpose, if he desires to file an appeal/revision and is entitled to do so.

(2) If a prisoner, on being asked, seeks to file an appeal/revision, he shall be directed to give his statement, in writing, in Admission Register and the facts shall also be recorded in the history ticket. His petition for appeal/revision shall be made at any time within the period specified by the law for this purpose. In case, the petition for appeal/revision is made so late as to render it unlikely or impossible to reach the appellate court within the period allowed by the law for the purpose, the officer in charge of prison shall endorse, on the appeal/revision, the convict's reason for not submitting the same earlier along with his own view (if any) on the reason so given. If there is no urgency, the presentation of the appeal/revision may be postponed to such day of the week as the officer in charge of prison may from time to time fix in that behalf.

13.02. Periods allowed to file an appeal.—(1) The period allowed under the Limitation Act, 1963 (Central Act 36 of 1963) for filing of appeals to different courts is as follows:

Serial No.	Description of suit	Period of limitation	Time from which period begins to run
1.	from a sentence of death passed by a court of Session or by a High Court in the exercise of its original criminal jurisdiction	thirty days	the date of sentence.
2.	from any other sentence or any order not being of an acquittal.		
	(1) In the High Court	sixty days	the date of the sentence or order
	(2) In any other court	thirty days	the date of the sentence or order
3.	To the High Court for a certificate of fitness to appeal in the Supreme Court under Articles 132(1), 133 or 134(1) of the Constitution.	thirty days	the date of decree, order or sentence.

(2) In order to enable the appellate courts to calculate the period of limitation specified for criminal appeals under the Limitation Act, 1963 (Central Act 36 of 1963) every appeal petition shall be endorsed with the following notice, signed by the officer in charge of prison: -

"The period requisite for obtaining a copy of the order appealed against to be excluded from the period of limitation under section 12 of Limitation Act, 1963 (Central Act 36 of 1963), was days."

13.03. Delay in preparing appeal/revision to be noted.-If any delay has occurred in preparing the appeal or revision petition after the receipt of the copy of judgment, an application to condone the delay including the reason of such delay shall also be made on the appeal or revision petition.

13.04. Interview for purpose of appeal/revision.-Every prisoner shall be allowed reasonable opportunities of interviewing his relatives, family members and legal counsel, for the purpose of preparing his appeal/revision:

Provided that, every such interview shall be held within sight, but out of the hearing, of the prison official in whose charge the prisoner is placed for the purpose of such interview.

13.05. Prohibition against writing appeals/revisions without permission.-No prisoner or officer of the prison shall prepare, write out or submit any appeal/revision or petition on behalf of any prisoner, without the previous permission in writing, of the officer in charge of prison.

13.06. Appeal/Revision for a prisoner who has no friend or legal counsel.-(1) If a prisoner desires to file an appeal or revision and declares that he has no relative, friend or legal counsel who is willing to file an appeal or revision for him, then such prisoner shall be referred to the respective Legal Services Authority as per rules.

(2) As per the eligibility criteria under section 12 of the Legal Services Authorities Act, 1987 a person in custody shall be entitled to legal services by the District/State/National Legal Services Authority, as the case may be. The concerned Legal Services Authority shall provide all requisite documents for the purpose of appeal or revision free of cost.

NOTE: In order to have further clarification with regard to the above mentioned rules, Chapter 33 of these rules shall be referred.

13.07. Procedure for preparation and presentation of appeal or revision.-(1) If a prisoner desires to file an appeal or revision, the officer in charge of prison shall apply, in the form as specified by the Head of Department, for a copy of judgment

or order against which he desires to file an appeal or revision.

(2) If the copy of judgment or order is not received within seven days, then the concerned Assistant Superintendent, to whom the power is delegated for such purpose, shall immediately bring it to the notice of the officer in charge of prison, who in turn shall send a reminder for it and if there is any excessive delay shall report the matter to the respective District and Sessions Judge.

(3) On receipt of the copy of judgment or order, a written acknowledgement shall be obtained from the prisoner. The prisoner shall, if he is able to write, be allowed to write his own appeal/revision. If the prisoner is not able to write, the officer in charge of prison shall cause his appeal/revision to be written for him by a prison officer or by the legal aid counsel provided by the Legal Services Authority.

(4) When a legal aid counsel is provided to the petitioner through Legal Services Authority, the prisoner shall be informed about the detail of such legal aid counsel provided to him. If the legal aid counsel provided through Legal Services Authority of the district does not represent the prisoner in court, then such prisoner shall give an application to the officer in charge of prison and the officer in charge of prison shall forward the same to the Legal Services Authority of the district for further necessary action.

(5) A prison officer or legal aid counsel deputed to write an appeal shall do so at the appellant's dictation and shall neither make any suggestion to the prisoner as to what shall be stated nor add anything to what the prisoner himself/herself desires to have stated in the appeal. The officer or legal aid counsel deputed to write an appeal shall read out the appeal to the convict.

NOTE 1: The officer in charge of prison or the officer to whom the power is delegated, is not justified in refusing to forward the appeal of any prisoner whether it is barred by limitation or not.

NOTE 2: As appeal made by the officer in charge of prison on behalf of a prisoner shall, before dispatch, be read over to the appellant, in the presence of the officer in charge of prison or the officer to whom the power is delegated, who shall, if the prisoner approves of the appeal, countersign the document and cause the official seal of the prison to be stamped thereon.

NOTE 3: If, after the receipt of the copy of the judgment or order, a relative, family members or legal counsel of the prisoner undertakes to make an appeal on his behalf and the prisoner consents to that course, the copy of the judgment shall be delivered to such relative, family members or legal counsel as the case may be.

NOTE 4: Convicts are entitled under section 363 (1) & (2) of the Code of Criminal Procedure to a copy of the judgment free of all cost.

(6) If the appeal filed by the prisoner fails and he desires to prefer an application for revision, he shall not be entitled to get back, for the purpose of his revision application, the free copy supplied under these rules.

(7) The signature or thumb impression of the appellant on the appeal/revision document shall be witnessed and attested by the Deputy Superintendent (Administration) or an Assistant Superintendent, to whom the power is delegated for such purpose, before forwarding the same to the officer in charge of prison.

(8) The officer in charge of prison shall forward the appeal/revision without delay with the copy of the judgment or order appealed from to the appellate court. If any delay has occurred in preparing the appeal or revision petition after the receipt of the copy of judgment, a note of such delay shall also be made on the petition. Prisoners convicted in the same case may appeal or apply for revision either jointly in one petition or separately. In case of joint petition one copy of judgment shall suffice for all.

NOTE: Appeals/Revisions from military prisoners against sentences passed on them by court martial must be forwarded to the Military Command Head-quarters.

(9) When a notice of the date of hearing of an appeal/revision or petition is received, it shall be communicated to the convict and a written acknowledgement of receipt of such notice shall be obtained. The notice shall then be attested by the officer in charge of prison and returned to the concerned court.

(10) When a notice to show cause why a prisoner's sentence shall not be enhanced is received from the appellate court, the prisoner shall be asked whether he wishes to apply for permission to appear in person before the court concerned. If he says so, the officer in charge of prison shall forward his application to the court for orders. Arrangements shall be made for his personal appearance in the court if such permission is granted.

(11) The provisions of this rule shall, as far as may be, apply to petitions for revision or clemency and the like.

(12) The officer in charge of prison or the officer, to whom the power has been delegated, shall inform every convict under sentence of death that if he wishes to appeal to the High Court, as the case may be, must do so within thirty days. If he has elected to appeal/revision, but the copy of the judgment has not been received, the officer in charge of prison or officer to whom the power has been delegated, shall on the seventh day after the date of sentence, forward the petition of appeal/

revision to the Registrar of the High Court without waiting for the copy of the judgment. He shall make a note on the forwarding letter that a copy of the judgment has been applied for, but has not been received in time.

(13) Copies of judgment of the High Court in criminal cases, shall, on application made in this behalf by the convict, be supplied free of cost, -

- (i) In every case in which a sentence of death or imprisonment for life has been passed or confirmed by the High Court; and
- (ii) In any other case, if the High Court so directs.

(14) If several persons are sentenced in the same case, only one copy of judgment shall suffice for all. The copy shall be attached to one of the petitions which shall mention the number of the petitions of appeal/revision connected therewith together with the names of the appellants. All other petitions of appeal/revision shall also indicate the number of the petitions of appeal/revision to which the copy of the judgment or order has been attached and shall contain a request to the court that the appellant may, under section 382 of Criminal Procedure, 1973, be exempted from furnishing a copy of the judgment or order.

13.08. Maintenance of Appeals Register.—(1) The concerned Assistant Superintendent, to whom the power is delegated for such purpose, shall maintain an Appeals Register, in the form, as specified by the Head of Department. He shall cause the register to be placed before the officer in charge of prison as frequently as may be necessary. Starting from the date on which the prisoner expresses his desire to file an appeal, till the date of receipt of the order of the appellate court disposing of the appeal, all such dates on which action is taken during the entire process shall be entered in the Appeals Register and attested by the officer in charge of prison or Deputy Superintendent (Administration).

(2) The Officer in charge of prison or the officer, to whom the power has been delegated, shall ensure that there is no delay in the process of disposing of appeals/petitions. The concerned Assistant Superintendent, to whom the power is delegated for such purpose, is directly responsible to the Officer in charge of prison or the officer, to whom the power has been delegated, in these matters.

13.09. File to be opened for prisoners desiring to file an appeal/revision.—For the prisoners who desire to file an appeal/revision, a separate file shall be maintained, mentioning, name of the prisoner, date of sentence, name of the court pronouncing sentence, the date of receipt of copy of judgment from the court which pronounced sentence, date of appeal/revision, letter number, date etc. The name of appellate court, date of receipt of hearing notice, details of personal appearance of the prisoner and the decision given on the appeal/revision shall be recorded.

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- 13.10. Allowing convict to sign a power-of-attorney.**-The convict shall be allowed to sign a power-of-attorney, authorizing any one to act for him. The power must bear the proper stamp under the Indian Stamp Act of 1899 and the prisoner's signature must be attested by the Deputy Superintendent (Administration).
- 13.11. Officer in charge of prison to inform the Sessions Judge when an appeal to High Court is preferred by a prisoner.**-Whenever a prisoner files an appeal from prison to the High Court, the officer in charge of prison shall inform the Sessions Judge, in writing, with regard to such appeal.
- 13.12. Appeal/Revision by a prisoner to the Supreme Court.**-If an appeal/revision addressed to the Supreme Court is submitted by the prisoner it shall be in the form of a petition, in writing, which shall be accompanied by a certified copy of the Judgment of the court or orders appealed against and such other documents required as per relevant Supreme Court rules. The petition along with the documents shall be forwarded to the Registrar of the Supreme Court.
- 13.13. When an appeal/revision is not desired.**-If any prisoner states that he does not desire to file an appeal/revision, he shall be asked to give, in writing, in presence of two fellow prisoners and the fact shall be recorded on his History Ticket.
- 13.14. Prisoner not to be transferred pending appeal or revision.**-(1) With the exception of such classes of prisoners for whom transfer orders are from time to time issued, convicts who have not completed their term of appeal or revision without appealing or until their appeal or revision has been disposed of, shall not ordinarily be transferred to another prison without the sanction of the Head of Department.
- (2) In case a prisoner is transferred, the prison to which he is so transferred, shall be communicated to the appellate court.
- 13.15. Appeal/Revision of prisoner transferred.**-When any communication relating to the appeal/revision of a prisoner, who has been transferred is received, it shall be forwarded without delay, through registered post or through registered email or fax or any other approved means of communication, to the officer in charge of prison in which the prisoner is confined after noting the same in Register No.2 of the prison from which the prisoner has been transferred.
- 13.16. Reminder requiring the result of appeal.**-If the result of an appeal to the Chief Judicial Magistrate or Sessions Judge is not communicated within one month, or in the case of an appeal/revision to the High Court, within three months of the date on which such appeal/revision was submitted, the officer in charge of prison shall send a reminder to the Court concerned at reasonable intervals. The result of an appeal/revision shall, when received, be communicated to the prisoner

concerned and entered in his history-ticket and Admission Register.

- 13.17. Procedure when a Court directs the retrial of a prisoner.**— If an Appellate Court directs that a prisoner be retried and a warrant for his release on bail or for his custody pending trial is not at the same time received the prisoner shall, unless he has a sentence on another warrant to undergo, be remanded to the ward for under trial prisoners and the officer in-charge of prison shall apply to the Court for a warrant for his custody pending trial.
- 13.18. Notice of transfer of convict to a different prison to be sent to the convicting court in certain cases.**—(1) When prisoners, who have not, to the knowledge of the prison authorities, preferred an appeal or revision, are transferred to other prisons before the expiry of the period allowed for filling an appeal or revision, a notice of the transfer shall invariably be sent to the last convicting court. When an order to release a prisoner who has been transferred or a revised warrant or any communication relating to his appeal or revision is received from the appellate court by the officer in charge of prison, shall forward it immediately, by post, to the officer in charge of prison to which the prisoner has been transferred.
- (2) In every case in which a sentence is confirmed on appeal or revision, the prison authorities shall receive information to this effect. Irrespective of the procedure prescribed above, the appellate court shall, for the information of the appellant, notify to the officer in charge of prison in which such appellant is confined the result of his appeal or revision. This notification, which shall be made in the sanctioned form, is intended solely for the communication of the result of the appeal or revision to the appellant, and in no way relieves judicial officers from the duty of issuing revised warrants when such are necessary.
- (3) The provisions of sub-rules (1) and (2) shall not apply to cases in which a sentence passed by a Judicial Court is commuted by order of Governor or of the President. In such a case the order of Government, or a certified copy thereof, shall be attached to the prisoner's warrant, on which a note setting forth the alteration of sentence, and the number and date of the Government order, shall be made and attested by the officer in charge of prison.
- 13.19. Petition for clemency.**—(1) Every prisoner shall be at liberty to petition the Government for clemency. The officer in charge of prison shall, if the prisoner so desires, be accorded reasonable facilities for preparing and submitting such a petition.
- (2) Except, in the case of petitions against the execution of sentences of death, all such petitions must be accompanied by copies of the judgments of the Court of conviction and of any superior court which may have dealt with the case on

appeal or revision, to be supplied by the petitioners themselves.

- 13.20. Petition to the District Magistrate or his erstwhile official superior or employer.**-In the event of any convict desiring to petition the District Magistrate, or his erstwhile official superior or employers in matters of urgency relating to family affairs, civil suits, property and the like, the officer in charge of prison, after due consideration, may at his discretion permit such petition and shall then countersign and forward it to its destination:

Provided that in no case shall any petition of this nature be forwarded to the High Court.

- 13.21. Petitions by prisoners to the President, Vice-President, Prime Minister and other high dignitaries of the Central and Government.**-Petitions addressed by the prisoners including the under-trial prisoners to the President, Vice-President, Prime Minister and other high dignitaries of the Central and Government may be forwarded to them through the Head of Department. The Head of Department may, however, withhold such petition if the statements contained in the petition are untrue or the petition is couched in objectionable or intemperate language. The reasons for withholding such petition may, however, be reported to the addressee by Head of Department through normal official channel.

- 13.22. Communication of rejection of mercy petition by the Governor.**-The rejection shall forthwith be communicated to the convict and his family members in writing or through any other approved means of communication.

- 13.23. Communication of rejection of mercy petition by the President.**-The rejection shall forthwith be communicated to the convict and his family members in writing or through any other approved means of communication.

NOTE: Death convicts are entitled as a right to receive a copy of the rejection of the mercy petition by the President and the Governor.

- 13.24. Duties of officer in charge of prison in connection with petitions for mercy from convicts under sentence of death.**-The following are the rules relating to the duties of officer in charge of prison in connection with petitions for mercy from convicts under sentence of death, namely:-

- (i) Immediately on receipt of a warrant for execution, consequent on the confirmation by the High Court of a sentence of death, officer in charge of prison shall inform the convict concerned that if he desires to submit a petition for mercy, it shall be submitted in writing within seven days of the date of such intimation.
- (ii) If the convict submits a petition within the period of seven days specified in

clause (i), it shall be addressed both to the Governor of the State and to the President of India and the officer in charge of prison shall forthwith dispatch it, in duplicate, to the Secretary to the Government, Home Department together with a covering letter reporting the date fixed for the execution and shall certify that the execution has been stayed pending receipt of the orders of the Governor and the President of India on the petition. If no reply is received within fifteen days from the date of dispatch of the petition, the officer in charge of prison shall telephonically bring it in the notice of the Head of Department and shall send the reminder through an official letter or e-mail or an approved means of communication to the Home Secretary drawing attention to the fact, but he shall, in no case, carry out the execution before the receipt of the Government's reply.

- (iii) If the convict submits a petition after the period specified in clause (i), the officer in charge of prison shall at once forward it to the Government and at the same time through the official E-mail and through written letter, telephone or fax or other device as deemed necessary the substance of it, requesting orders, whether the execution shall be postponed and stating that pending a reply the sentence shall not be carried out. If such petition is, however, received by the officer in charge of prison later than noon on the day preceding fixed for the execution, he shall at once forward it to the Government and at the same time inform the substance of it through telegram or official email, giving the date of execution and stating that the sentence shall be carried out unless orders to contrary are received.
- (iv) In the event of its coming to the knowledge of the officer in charge of prison at any time before the execution of the sentence that altogether exceptional circumstances have arisen which plainly demand a reconsideration of the sentence, he is at liberty notwithstanding anything in the foregoing rules, to report the circumstances through written letter, official email or telephone to the Government and ask its orders and to defer execution till they received.
- (v) The officer in charge of prison shall at once report back to the Home Secretary to the Punjab Government all telegrams or e-mails communicating orders to him regarding petitions for mercy, by way of acknowledgement of their receipt.
- (vi) When acknowledging the orders of the Government and the intimation that the petition has been forwarded for the orders of the President of India, the officer in charge of prison shall certify that the execution remains stayed pending the orders of the President of India.
- (vii) In the event of final orders from the Government to carry out execution

being received after the date fixed for execution by the Sessions Judge, the officer in charge of prison shall appoint a day for execution not more than two weeks later than the date on which such orders actually reach him so as to permit of the usual formalities, e.g., summoning of relatives and friends to bid farewell, the making of a will etc., being observed in due order and without precipitation. The date so fixed shall be intimated to the Government when acknowledging the orders of execution.

- (viii) When final orders are received by an officer in charge of prison from Government by official email or an approved means of communication to carry out execution on the date fixed by the Sessions Judge, the officer in charge of prison shall comply without waiting for postal confirmation, provided such date has not elapsed at the time he receives final orders. If this has expired, the Officer in charge of prison shall be governed by clause (vii) above.
- (ix) On the morning of any execution, the officer in charge of prison shall before proceeding to the cell of the condemned prisoner enter his office and ensure himself that there is no communication awaiting him connected with the execution.
- (x) Every petition in Punjabi language shall be accompanied by a carefully prepared translation which, to ensure its accuracy, shall be examined by the officer in charge of prison while the Punjabi papers are being read out to him. The document shall then be attested by the officer in charge of prison and forwarded without delay through registered post or through registered E-mail or Fax or any other approved means of communication with a head note mentioning "Death Case-Immediately", thus pointing towards need of expeditious perusal.

NOTE 1: In forwarding a mercy petition, the officer in charge of prison shall certify that the execution has been stayed, pending the orders of the Governor and the President of India, further when acknowledging the orders of the Governor and the intimation that the petition has been forwarded for the orders of the Government of India, the officer in charge of prison shall certify that the execution remains stayed, pending the orders of the President of India.

NOTE 2: For the purposes of mercy petition, all letters received daily shall be opened by the officer in charge of prison, immediately and in his absence, the Deputy Superintendent (Administration) shall open the whole dak. Further all e-mails and all letters, marked

immediate or urgent, addressed to the officer in charge of prison by name or received by registered post must be placed at once before the officer in charge of prison. There must also be another official designated by name who in the absence of the officer in charge of prison due to any cause shall be responsible for receiving and opening such communication at any time of the day or night.

NOTE 3: All letters and emails acknowledging the receipt or orders of the Government in death cases must be signed/acknowledged by the officer in charge of prison or the Deputy Superintendent (Administration).

NOTE 4: The orders of the Government rejecting the petitions for mercy by a condemned prisoner shall be communicated to the officer in charge of prison, who would also promptly acknowledge the same by post and official email. The orders of the Government declining to interfere and ordering the carrying out of the execution shall be conveyed by official email or any other approved means of communication and such orders shall be repeated back by the officer in charge of prison through telegraph or official email.

NOTE 5: The orders of communication of death sentence and postponement of execution shall also be communicated to the officer in charge of prison by official email or any other approved means of communication and shall be acknowledged by the officer in charge of prison by official email or any other approved means of communication, as the case may be.

NOTE 6: While acknowledging any orders of the Government postponing an execution, the officer in charge of prison shall state in his acknowledging letter that the execution has been postponed pending further order of the Government.

(B) Interviews and Communication

13.25. General rules for the grant of interviews and communication.— (1) Every prisoner shall be provided with reasonable facilities, for interviewing or communicating with his family members, relatives or legal counsel, by officer in charge of prison, once or twice, or oftener, to enable him to manage his property, any other family affairs or to prepare an appeal/revision or for the procurement of bail.

(2) On admission, every prisoner shall submit a list of persons (not more than ten) who are likely to interview him and the interview shall be restricted to such

family members, relatives and the legal counsel. Under special circumstances, the officer in charge of prison may allow any other person, whose name is not mentioned in the initial list (of not more than ten persons) submitted by the prisoner. The conversation at the time of interviews shall be limited to private and domestic matters and there shall be no reference to prison administration and discipline and to other prisoners or politics. The number of persons who may interview a prisoner at one time shall ordinarily be limited to three.

NOTE: Preference may be given to interviews which have been booked in advance through online or any other approved means of communication.

(3) Every prisoner under sentence of death shall be allowed such interviews and other communications with his family members, relatives and legal counsel as the officer in charge of prison thinks reasonable.

(4) There shall be no restriction on the number of letters a prisoner may receive.

(5) The Head of Department is authorized to prohibit any person from having any further interviews with any prisoner if he has reason to believe that such person has issued any publication as a result of an interview or visit to a prison. All visitors shall be warned of this order before an interview.

(6) Prisoners released on parole/furlough, ordinarily, shall not be allowed to have interview with any prisoner except their family members.

(7) Ex-prisoners, who apply to see their friends lodged in a prison, may not be permitted such interview by the officer in charge of prison unless and until there exists a genuine reason for such interview.

(8) No eatables or other articles except clothing, bedding etc. shall be allowed to be received by the prisoner at the time of interview or otherwise.

(9) Interview or communication with a prisoner detained in the High Security Zone, shall be permitted by the officer in charge of prison only after the police verification of the persons desiring to interview the prisoner is done.

(10) Officer in charge of prison may allow well-behaved prisoners to have face-to-face interviews after giving due consideration to security of the prison and after getting approval for the same from the Head of Department.

13.26. Rules for grant of interviews and communication to a convict.-In addition to the privileges granted under these rules, every convict shall be allowed to have an interview and to write a letter once a week, with his relatives or family members, during the term of his imprisonment:

Provided that the exercise of this privilege shall be contingent on good conduct and may be withdrawn or postponed by the officer in charge of prison for bad

conduct. Bad conduct herein, shall refer to commission of any cognizable prison offence and/or award of any major/minor punishment.

NOTE 1: A letter by convict for merely arranging an interview shall not be counted for the purpose of these rules.

NOTE 2: A convict may substitute a letter with the reply for an interview or vice versa with the permission of the officer in charge of prison.

NOTE 3: Convicts shall be allowed to send a special letter notifying their family members or relatives of their transfer from one prison to another.

13.27. Exception to general rule.— (1) The officer in charge of prison may at his discretion grant interviews or allow the dispatch or receipt of letters at shorter intervals than provided under rules or in spite of the prisoner's misconduct, if he considers that special or urgent grounds exist for such concession, as, for example, in the event of the prisoner being seriously ill or on the occurrence of the death of a near relative or if the family members or relatives have come from a distance to see the prisoner and it would be an undue hardship on them to refuse an interview, or if the prisoner is nearing release and wishes to secure employment, or for other sufficient cause. Matters of importance, such as the death of a relative, may also be communicated at any time by the friends of a prisoner to the officer in charge of prison, who shall, if he thinks it expedient, inform the prisoner of the substance of the communication.

(2) The officer in charge of prison may permit a prisoner, other than a condemned prisoner, to see a prisoner (family members) in a hospital outside the prison subject to the following conditions, namely:—

- (i) the prisoner in the hospital is a family member and is seriously ill;
- (ii) the hospital is situated in the same city or town;
- (iii) the prisoner is sent under adequate escort as the Officer in charge of prison decides; and
- (iv) the prisoner shall return to the prison immediately after seeing the prisoner in the hospital.

13.28. No interview or communication to take place without sanction of officer in charge of prison.—No prisoner shall be allowed to have an interview or to receive or write a letter except with the permission of the officer in charge of prison which shall be recorded in writing.

13.29. Application for interview to be oral or in writing.—Applications for interviews with prisoners may be oral or in writing at the discretion of the officer in charge of prison. If the prisoner is not entitled to an interview, the applicant shall be

informed at once. It shall be ensured that interval between two meetings is at least three days.

NOTE: The officer in charge of prison may at his discretion grant interviews at shorter intervals than prescribed above.

- 13.30. Persons granted an interview shall be searched.**—(1) Every person desiring to hold an interview with any prisoner shall, before such interview is allowed to take place or he is allowed to enter the prison, be called upon by the Deputy Superintendent (Security). The visitor shall give his name and address and shall present himself to be searched:

Provided that no such search shall be made in the presence of any prisoner or person other than the proper officer of the prison and in the case of a female visitor search shall be conducted by the head matron or matron. If the visitor refuses to present himself to be searched or to give his name or address, he shall not be permitted to enter the prison or to interview any prisoner.

(2) During search, if any prohibited article, mobile phone, subscriber identification module (SIM) card, weapon, drugs or any objectionable goods are found, the same shall be seized forthwith and the officer in charge of prison shall initiate appropriate legal action against that person.

NOTE: The record of such articles, as mentioned in sub-rule (2), shall be made in the journal of Deputy Superintendent (Security)/interviews register.

- 13.31. Identification of visitor to be established before interview.**—The visitor shall be allowed to meet the prisoners only upon producing such evidence of identity as specified, by the Head of Department through a standing order, and after filling in the requisite forms, providing thumb impression and photograph for the record.
- 13.32. Time and days of interviews.**—The officer in charge of prison shall fix the days and hours at which all interviews shall be allowed and no interview shall be allowed at any other time except with the special permission of the officer in charge of prison. A notice of the hours of interviews shall be pasted outside the prison.
- 13.33. Places of interview.**—Every Interview shall take place in a special part of the prison appointed for the purpose, if possible, at or near the main gate. The interview room shall have fiber glass partition with intercom facilities, so that the prisoners can have a peaceful interview. The interview room shall be divided into cubicles and may have sound-proofing materials covering its walls and ceiling:

Provided that if a prisoner is seriously ill, the officer in charge of prison may permit the interview to take place in the hospital, and a condemned prisoner shall

ordinarily be interviewed in his cell and in case prisoner is confined in a High Security Cell, for reasons of security or any other special reasons, the officer in charge of prison, after recording the appropriate reasons in writing, may permit the interview to take place within the prison.

Provided further that the officer in charge of prison may, for special reasons to be recorded in writing, permit an interview to take place in any part of the prison.

- 13.34. Interview to take place in the presence of prison official.**-Every interview with a convict shall take place in the presence of a prison official, who shall be responsible that no irregularity occurs, and who shall be so placed as to be able to see and hear what passes in and to prevent any article being passed between the parties.
- 13.35. Termination of interview.**-The conversation at the interviews shall be in Vernacular, English or Hindi and limited to private and domestic matters and there shall be no reference to prison administration, discipline, to other prisoners, violence, other such scheming or politics. An interview may be terminated at any moment by the prison official present in case the conversation is related to any such topic. In every such case the reason for terminating the interview shall be reported at once for the orders of the senior officer present in the prison.
- 13.36. Duration of interview.**-The time allowed for an interview shall not ordinarily exceed twenty minutes, but may be changed by the officer in charge of prison at his discretion, keeping in view the needs of the administration and security of the prison.
- 13.37. Prisoner to be searched before and after the interview.**-Every prisoner shall be carefully searched before and after an interview. The search of female prisoners shall be done by the matron and only in the presence of females.
- 13.38. Waiting rooms.**-Suitable waiting rooms may be provided in every prison to enable visitors to await their **turn for interview. They may be given a token to await their turn.**
- 13.39. Telephone facilities.**-(1) At the discretion of the officer in charge of prison, a prisoner may be allowed the use of telephones on payment, to contact his family members and legal counsel, from time to time, wherever such facility is available in accordance with the state policy to be issued by the Head of Department. The prisoner can use this facility under the supervision of a prison official to be designated by the officer in charge of prison.
- (2) While permitting a prisoner the use of telephone, the officer in charge of prison shall ensure that such permission is not given to prisoners who have a record of unruly behavior and bad conduct. Any case of denial of such permission

shall be ratified by Deputy Inspector General, Prisons and Correctional Services (Circle) concerned within seven days from denial of service.

(3) In case of misuse of such facility or breach of the terms and conditions under which such facility is provided to prisoners, the officer in charge of prison shall withdraw the facility for a definite period by passing a speaking order in this respect. Such order has to be confirmed by the Deputy Inspector General, Prisons and Correctional Services (Circle) concerned within seven days.

NOTE: The data related to telephone calls may be shared with District Superintendent of Police for investigative purposes with the prior approval from officer in charge of prison.

13.40. Electronic Communication.-(1) The officer in charge of prison may allow a prisoner to contact his family members through electronic modes of communication like video conference, from time to time, wherever such facility is available in accordance with the State policy to be issued by the Head of Department and after giving due consideration to security of the prison. Approval for the same shall be sought from the concerned Deputy Inspector General, Prisons and Correctional Services (Circle).

(2) The prisoner shall use this facility under the supervision of a prison official to be designated by the officer in charge of prison. While permitting a prisoner the use of such facilities, the officer in charge of prison shall ensure that such permission is not given to prisoners who have a record of unruly behavior and bad conduct. Any case of denial of such permission shall be ratified by the Deputy Inspector General, Prisons and Correctional Services (Circle) within seven days from date of denial of service.

(3) In case of misuse of such facility or breach of the terms and conditions under which such facility is provided to prisoners, the officer in charge of prison shall withdraw the facility for a definite period by passing a speaking order in this respect. Such order has to be confirmed by the Deputy Inspector General, Prisons and Correctional Services (Circle) concerned within seven days.

NOTE: The data related to electronic modes of communication may be shared with District Superintendent of Police for investigative purposes with the prior approval from officer in charge of prison.

13.41. Officer in charge of prison may refuse any interview.-The officer in charge of prison may refuse to allow any interview, to which a prisoner would ordinarily be entitled under these rules, if in his opinion it is not in public interest to allow a particular person to interview the prisoner, or if, there are other sufficient reasons to refuse an interview. In every such case, the officer in charge of prison shall

record his reasons for such refusal in his Journal and prisoner's History Ticket.

NOTE: The officer in charge of prison may refuse all interviews on a given time in the event of an emergency or combined breach of discipline by the prisoners.

- 13.42. Abuse of privilege of holding interview.**-Any prisoner, who abuses any privilege, relating to the holding of an interview or the writing of letters or other communication with any person outside the prison, shall be liable to be excluded from such privileges for such time and may be subjected to such further restrictions as the officer in charge of prison may direct.
- 13.43. Procedure as to the delivery of letters.**-(1)No letter shall be delivered to or sent by a convict until it has been examined by the officer in charge of prison or by the Deputy Superintendent (Administration) or other officer under the orders of the officer in charge of prison, but no unnecessary delay shall be allowed to occur in delivery or dispatch. If a letter is written in a language unknown to the officer in charge of prison, he shall take steps to procure a translation before forwarding the letter. No letter written in cipher shall be allowed. The officer in charge of prison may withhold any letter which seems to him to be in any way improper or objectionable, or may erase any improper or objectionable passages and shall inform the concerned prisoner about the same.
- (2) The officer in charge of prison shall have the right to disallow letters to prisoners for reasons of security and discipline or during periods of emergencies, if he considers it necessary.
- 13.44. Detention or return of letters received for prisoner.**-If a letter is addressed to a prisoner who is not entitled to receive it under the rules mentioned in Chapter IX- "Offences and Punishments" may, unless the officer in charge of prison determines to communicate it, be withheld and kept in custody of the officer in charge of prison until the prisoner is entitled to receive it or is released, or it may be returned to the sender with an intimation that the prisoner is not entitled to receive it. In such case, the fact of receipt and reason for refusal to deliver shall be entered on the prisoner's history ticket and the prisoner's number and date of receipt shall be written on the letter.
- 13.45. Prisoner may retain a letter delivered to him.**-A prisoner may retain any letter which has been delivered to him under due authority, unless the officer in charge of prison otherwise directs, or may ask that it be kept with him. Any letter delivered shall be signed by the Deputy Superintendent (Administration) to show that it is an authorized communication.
- 13.46. Provision of writing material.**-(1)Writing material including service, postcards

and service stamps may be supplied to, as far as practicable, convicts, under-trials and civil prisoner as under:-

- (i) Convicted prisoners: Once a week; and
- (ii) Under-trial prisoners and civil prisoners: twice a week.

NOTE:A prisoner may, with the permission of the officer in charge of prison, purchase writing material at his own expense and write any number of letters at his own cost. All notebooks provided to the prisoners shall have their pages numbered to keep a check on their misuse and to prevent secret correspondence.

(2) Expenses of postage for additional letters, permissible under the rules shall be borne by the prisoner himself.

(3) Postage stamps may be allowed to be purchased for letters addressed by prisoners to their relatives in foreign countries at their own cost.

(C) Special rules relating to under-trials and civil prisoners

13.47. Visitors to civil and under-trial prisoners.-Due provision shall be made for the admission, at proper times and under proper restrictions into every prison, of persons with whom civil or under-trial prisoner may desire to communicate, care being taken that, so far as may be consistent with the interests of justice, civil or under-trial prisoners may see their duly qualified legal counsel.

13.48. Interview and communication of civil and under-trial prisoners.-Civil and under-trial prisoners shall be granted facilities for writing two letters and two interviews each week with their relatives or family members:

Provided that the Government may in any particular case for reasons to be recorded in writing, impose such restrictions on the interviews as it may deem necessary:

Provided further that all reasonable facilities shall be granted at proper time and under proper restrictions for interviewing or otherwise communicating either orally or in writing with their legal advisors:

Provided further that the exercise of this privilege shall be contingent on good conduct and may be withdrawn or postponed by the officer in charge of prison for bad conduct. Bad conduct herein, shall refer to commission of any cognizable prison offence and/or award of any major/minor punishment.

NOTE 1: A letter by civil or under-trial prisoner merely arranging an interview shall not be counted for the purpose of these rules.

NOTE 2: Civil or under-trial prisoner may substitute a letter with the reply for an

interview or vice versa with the permission of the officer in charge of prison.

NOTE 3: Civil or under-trial prisoner shall be allowed to send a special letter notifying their family members or relatives of their transfer from one prison to another.

13.49. Confidential letters of under-trial prisoners.-Any bonafide confidential written communication prepared by an under-trial prisoner as instructions to his legal adviser may be delivered personally to such legal adviser without being previously examined by the officer in charge of prison. For the purpose of this rule the term legal adviser means a legal practitioner within the meaning of Central Act XVIII (The Legal Practitioners Act) of 1879.

13.50. Time of interview of civil prisoners.-Civil prisoners may see their family members or relatives at such times and under such restriction as the officer in charge of prison may appoint and the presence of the prison official may not be necessary.

(D) Special rules relating to interview of prisoners with legal counsel

13.51. Interview of prisoners with legal counsel.-Every interview between a prisoner and his legal counsel shall take place within sight, but out of hearing, of a prison official.

13.52. Interview of a legal counsel with under-trials to be arranged quickly.-When the application of a legal counsel for an interview with a prisoner, is accepted and the permission to hold an interview with a prisoner is granted, the interview shall be arranged as soon as possible and the name of the legal counsel shall be entered on the prisoner's History Ticket.

13.53. Application from legal counsel for interview of prisoners.-When any person desires an interview with a prisoner in the capacity of the prisoner's legal counsel he shall apply, in writing, giving his name, address and registration number, stating whether he is empaneled under free legal aid or is a private lawyer, and he must satisfy the officer in charge of prison that he is the bona fide legal counsel of the prisoner with whom he seeks an interview and that he has legitimate business with him.

NOTE: Interview of prisoners with legal counsel, as far as practicable, may be arranged in a specific designated room. It may be limited to once per week at the discretion of the officer in charge of prison. Such interviews shall be allowed between 4 pm and 5pm on any working day for a duration of thirty minutes. Such interview shall be limited to legal counsel only.

13.54. Miscellaneous Matters.-Other provisions related to interviews are as follows:-

- (i) Interviews shall not ordinarily be granted on Sundays and other prison holidays. The officer in charge of prison may, however, under exceptional circumstances, grant interviews on these days as well. The reasons for granting such interviews on these days shall be recorded, in writing, by the officer in charge of prison.
- (ii) Prior consent of the prisoner shall be obtained before conducting interview.
- (iii) Interviews of prisoners for the purpose of Documentaries, Research, News Paper articles and other such matters shall be governed by the guidelines issued from time to time by the Central or Government or Head of Department.
- (iv) Every prisoner shall be given the option of informing his family of his committal to the prison immediately on his admission. He shall be provided with a post card or inland letter for this purpose.
- (v) Prisoners who are family members or co accused and separated on grounds of different sex, their interviews may be allowed, every Sunday, in the presence of a prison officer not below the rank of Assistant Superintendent in case of central prisons and Head Warder in case of other prisons, under the supervision of Deputy Superintendent (Administration). The officer in charge of prison may allow other prisoners for the same for the reasons to be recorded in writing.
- (vi) Prisoners who are family members and are lodged in different prisons may be allowed to hold interviews through electronic means, fortnightly, in the presence of a prison officer. Such interviews may be allowed in addition to other authorized interviews.
- (vii) Prisoners shall not be allowed to correspond with prisoners in other prisons. If, however, a prisoner has got his relatives in another prison, he may be permitted to write to them, subject to the restrictions contained in these rules.
- (viii) No person visiting the prison shall be allowed to carry any photographic or video graphic equipment or make use thereof inside the prison premises without the written permission of the Government or Head of Department or the officer in charge of prison.

NOTE: The term “family members or relative” as applied to a prospective interviewer of prisoners and as occurring in the above rules is to be literally and strictly interpreted, that is to say, no one shall be allowed

an interview with a prisoner who is not entitled under the rules to interview, unless he can submit proof of a personal and intimate acquaintance or of near relationship. In case of a relative, the nature of relationship must be ascertained.

- 13.55. Conditions under which a religious preacher may be admitted.**—On the application of a group of prisoners a well-known religious preacher as requested by them may be admitted to prison, for religious ministration only, on any of the religious festivals:

Provided that,—

- (i) the officer in charge of prison may in his discretion refuse to admit any religious preacher whose admission to the prison he considers, for any sufficient reason, to be inconsistent with the maintenance of discipline therein;
- (ii) no such religious preacher shall be permitted to have access to any prisoner of a different religion, unless at the voluntarily expressed desire of such prisoner; and
- (iii) the religious preacher shall be subject to such conditions as to time, place, duration and the like, as the officer in charge of prison may at any time deem fit to prescribe.

- 13.56. Visit of a religious preacher to a sick or condemned prisoner.**—(1) A religious preacher may be allowed to visit a prisoner on any day, if such prisoner is dangerously ill or is under sentence of death and desires to see such preacher, but not otherwise.

(2) On such desire being expressed, the officer in charge of prison shall, if possible, arrange for a religious preacher to visit the prisoner.

- 13.57. Visit of a yoga or meditation or sports instructor or conductor of skill development or awareness programme.**—A yoga or meditation or sports instructor or conductor of skill development or awareness programme may be allowed to visit prison premises, with the prior permission of the officer in-charge of the prison, subject to such conditions as the officer in charge of prison or Head of Department may consider necessary.

CHAPTER 14
CELLS AND THE TREATMENT OF PRISONERS THEREIN

- 14.01. Construction of Cells.**-(1) A sufficient number of cells for all purposes shall be provided in every prison. Each cell for separate or cellular confinement shall have a well-lit and ventilated yard attached to it, restricting communication with other prisoners. Suitable means for ablution and sanitation shall also be provided.
- (2) Cells intended for separate and cellular confinement shall have a general yard in which the occupants can wash themselves, be fed and exercise.
- (3) Outer door of every cell yard shall have an eye-hole at a convenient height so that the occupant can be seen without knowing that he is being observed, the cell door shall be iron grated.
- (4) For security reasons, where ever necessary, Close-Circuit Television cameras may be installed.
- (5) Wireless set or intercom or any other suitable communication device shall be made available to the guards deployed at cells.
- 14.02. Purpose for which cells may be used.**-(1) Cells, other than those notified as High Security Zones, may be used for, -
- (i) carrying out sentences of solitary confinement ordered on a warrant;
 - (ii) separate and cellular confinement of prisoners as a prison punishment;
 - (iii) separation of prisoners;
 - (iv) medical observation and separation of prisoners suspected of malingering, causing sickness or injury to themselves by use of deleterious substances, or who are suffering or suspected to be suffering from any communicable disease;
 - (v) confinement of prisoners condemned to death;
 - (vi) separation of transgender prisoners;
 - (vii) quarantine; and
 - (viii) separation and security of prisoners who have threat to their life or limb from other prisoners.
- (2) Use of cells notified as High Security Zone Grade I or Grade II, and treatment of prisoners therein, shall be as per the provisions of chapter 20 of these rules.
- 14.03. An officer to be within hearing of prisoners in cells.**-During the day time, the officer on duty shall always remain within hearing distance of every prisoner confined in a cell to ascertain and attend to his lawful requirements. A strict watch shall be kept over all such prisoners to prevent them from committing any act which is forbidden.
- 14.04. No prisoner to be placed in a cell without a written order.**-(1) No prisoner

shall be placed in separate confinement without an order from the officer in charge of prison recorded in his history-ticket.

(2) No prisoner shall be kept separate in a cell either by night or day without an order similarly recorded by the officer in charge of prison or Deputy Superintendent (Administration).

14.05. Ticket to be posted on door of occupied cell.-Whenever a cell is occupied by any prisoner, a ticket showing particulars of the prisoner confined therein shall be posted on the exterior of the cell-yard door.

14.06. The search of prisoner in cells.-(1) Every prisoner shall, before being placed in a cell, be carefully searched and all articles likely to aid escape or suicide shall be taken from him. The cell shall also be thoroughly searched. All cells and prisoners confined therein shall be carefully searched at lock-up time each day, and oftener if necessary.

(2) When a condemned prisoner is received in a prison on transfer or otherwise and before he is placed in his cell, the Deputy Superintendent (Security) shall himself personally be responsible that the prisoner's shoes are taken from him and replaced by a pair provided from the stock maintained in the prison.

(3) The inmates confined in cells shall be counted at least twice in a day besides the counting done during locking up and opening.

14.07. Deputy Superintendent in charge of cells.-The Deputy Superintendent (Security) shall be the in charge of all the security arrangements of cells and shall be responsible for the effective implementation of all the rules and instructions issued from time to time for the management of cells. In the prisons where Deputy Superintendent (Security) is not posted, the Deputy Superintendent (Administration) shall be the in charge of the security arrangements of cells.

14.08. Precautions to be taken with prisoners in cells at night.-(1) The presence of every prisoner in his cell shall be ascertained at each change of guard.

(2) In case of sickness, immediate notice shall be given by the Officer present on duty to the control room and chakkar on wireless set, intercom or any other means of communication available. The officer deployed in control room shall at once report the case to the Assistant Superintendent (Night officer) and Medical Officer. Assistant Superintendent (Night officer) shall immediately visit the ward on receiving the information. If necessary, the prisoner may be moved to prison hospital for better management and treatment. If the prisoner is moved to the prison hospital, Assistant Superintendent (Night officer) shall at once inform Deputy Superintendent (Security) about the circumstances. Simultaneously the Medical Officer shall visit the prison hospital for check-up and treatment. The officer in charge of prison shall be informed of the circumstance at his next visit by Deputy

Superintendent (Security).

(3) The officer on duty by day shall have custody of the keys of cells from the time of lockout till lockup. During night, on completion of the lock-up, the keys of cells shall be collected and counted in the presence of the Deputy Superintendent (Administration) who shall note the number in the lock-up register. He shall then lock the keys into the key box provided for the purpose in the deori and make over the key of such key box to the patrolling officer of the first watch. Each patrolling officer shall in turn make over the key to his successor, and the officer of the last watch shall deliver it to the Deputy Superintendent (Administration) on his entering the prison in the morning. In the case of an attempt to suicide by any prisoner, the cell shall be opened at once and attempt frustrated. In such a case, Superintendent, Deputy Superintendent (Administration) and Deputy Superintendent (Security) shall be informed at once by the patrolling officer.

NOTE: Patrolling officer here means any officer not less than the rank of Assistant Superintendent.

- 14.09. Lodging of prisoners in cells.**-In the normal course, at least three prisoners shall be lodged in each cell. As far as practicable, prisoners shall be lodged in cells in odd numbers. The only exception being, when a prisoner is seriously ill in a cell, and it is unsafe owing to the nature of the disease from which he suffers, to have him removed to hospital, the officer in charge of prison may, on the recommendation of the Medical Officer, permit one prisoner attendant to remain with such prisoner taken to illness. However, lodging of prisoners in cells in High Security Zones shall be guided by the provisions of chapter 20 of these rules.
- 14.10. Visits to prisoners in cells.**-Every prisoner occupying a cell shall be visited by the Head-Warder on duty or the patrolling officer, at least once every two hours during the day and night. Officers, when relieving guard, shall visit each cell and satisfy themselves that all the prisoners are present.
- 14.11. Bedding and cleanliness in cells.**-(1)The bedding of every prisoner in a cell shall, subject to any order given in special cases by the Medical Officer, be exposed to the sun and air daily when the weather permits.
(2) Every occupant of a cell shall be responsible for its cleanliness.
- 14.12. A convict worker may enter a cell.**-A sweeper or a convict worker may, when accompanied by an officer on duty and his services are required there in, be permitted to enter a cell.
- 14.13. Kinds of labour prohibited in cells.**-The forms of labour selected for cells shall, as far as possible, be such that it shall not facilitate escapes or suicides. If it is necessary to employ prisoners on other tasks, special precautions shall be taken.

CHAPTER 15
TRANSFER OF PRISONER

15.01. Reasons and circumstances for transfer.-The Director General, Prisons and Correctional Services may transfer prisoners from one prison to another, for the following reasons, namely:-

- (i) prisoners sentenced to longer terms of imprisonment than the prisons to which they are committed are authorized to detain;
- (ii) prisoners whose transfer is necessary to relieve or to prevent overcrowding;
- (iii) young offenders and female prisoners;
- (iv) prisoners with special qualifications or skill, and when their services are required elsewhere;
- (v) prisoners with influence in the district in which they are confined or who are of violent or dangerous characters;
- (vi) on medical grounds;
- (vii) prisoners whose transfer for any other reason is necessary or desirable, whether owing to the security of the prison, the character of the prisoner, or presence of close friends or relatives amongst the concerned prison administration/establishment;
- (viii) for attendance in court for the purpose of standing trial or giving evidence;
- (ix) on compassionate grounds or in the interest of rehabilitation of prisoners; or
- (x) any prisoner whose transfer is essential for better administration of prisons or any other expedient ground in the view of Head of the Department:

Provided that transfer under clauses (i), (ii) and (iii) may be made in anticipation, when the matter is so urgent that it would be inadvisable to wait till sanction can be obtained in ordinary course.

NOTE 1: All male young offenders under the age of twenty-one years with sentences of four months or over shall immediately on conviction, be transferred to the designated Borstal Institution, if any, in anticipation of the Director General's sanction.

NOTE 2: Female prisoners with sentences of four months or over, as far as practicable, shall immediately on conviction be transferred to any prison designated as women prison by the Government in anticipation of the Director General's sanction:

Provided that essential number of convict female prisoners may be retained at any prison having a female ward to work as supervisors or other administrative purposes in the female ward/kitchen of the prison.

- 15.02. Adult male prisoners where to be confined.**—All adult male convict prisoners except lifers, as far as practicable, may be allowed to stay in the district/central prisons nearest to their home district. Life convicts may normally be allowed to stay at a central prison nearest to their home district, except when it is expedient to shift them to any other prison on administrative grounds.
- 15.03. Power of Director General, Prisons and Correctional Services to detention and transfer.**—(1) During an emergency or on administrative grounds, the Director General is authorized to transfer prisoners from one prison to another within the State:
- Provided that if an undertrial prisoner is transferred to a place outside the jurisdiction of the court concerned, having a pending case in the trial court, prompt intimation shall be sent to the court.
- (2) The powers to transfer any prisoner under sentence of death from one prison to another shall rest with the Government.
- (3) The Director General may at any time delegate the power to transfer prisoners, whether undertrial or convict, to a subordinate officer not below the rank of Deputy Inspector General of Prisons.
- 15.04. Transfer of prisoners outside the State on security and operational reasons.**—(1) The Government may, with the consent of the Government of the receiving State, order for the removal of any prisoner whose detention in a prison in the State is deemed inexpedient, and the unexpired portion of the actual sentence of the prisoner is more than three months at the time of considering the case.
- (2) The Government may also accept on transfer any prisoner from a prison of another State of India to a prison in Punjab. If deemed necessary, the views of the Director General of Police and the Director General, Prisons and Correctional Services, regarding suitability of such transfer, may be taken by the Government before approving such transfer.
- (3) The District Superintendent of Police, as per security and threat assessment and the distance to be covered, shall provide adequate security for transfer of such prisoners, as also decide on the most suitable means of transportation.
- (4) The officer in charge of the receiving prison shall receive and detain him, so far as may be, according to the exigency of any writ, warrant or order of the court by which such person has been committed, or until such person is discharged or removed by due process of law.
- 15.05. Transfer of prisoners convicted in the same case to different prisons.**—Prisoners convicted in the same case may be transferred to different prisons if, in

the opinion of the Director General, it is absolutely expedient to do so in the interests of discipline and maintenance of order in the prison.

- 15.06. Transfer of habitual prisoners.**—The officer in charge of a prison may apply to the Director General for transfer of a habitual prisoner(s) from a prison on the ground that the prisoner is familiar with the locality and surroundings because of previous imprisonment there or any other reason. The Director General shall, however, order the transfer of such prisoners, treating every such application on its merit, and after satisfying himself that sufficient reasons for transferring the prisoner exist.

NOTE: There shall be a policy for periodic rotation/transfers of high-risk prisoners to maintain security and integrity of prisons.

- 15.07. Transfer of person convicted by any competent authority under any Act or rule of defence forces or para military forces.**—(1) Prisoners convicted by any competent authority under any Act or rule of defence forces or para-military forces may be transferred to a prison in their home State irrespective of the unexpired portion of their sentence, provided that the government of their home State agrees to it.

(2) The officer in charge of the prison, where such prisoner is confined, shall immediately after his admission, send a report with a written declaration of the prisoner to the Director General, who may approval of the Government. The Government shall seek the consent of Government of home State of the prisoner before according approval to such transfer.

(3) Once approval is received, the Director General, may decide on the date of transfer of such prisoner and issue orders to this effect. The District Superintendent of Police, as per security and threat assessment and the distance to be covered, shall provide adequate security for transfer of such prisoners, as also decide on the most suitable means of transportation.

(4) Prisoner whose state of origin is Punjab, and convicted by any competent authority under any Act or rule of defence forces or para-military forces at any other State in India, may be received on transfer in a prison in Punjab through a similar process and with the consent of the Government.

- 15.08. Transfer of prisoners belonging to other states in proximity to their place of residence.**—The prisoners belonging to other states may be transferred to the respective prison in proximity to their place of residence if their unexpired portion is at least three months at the time of their transfer; provided that the Superintendent of police verifies that the prisoner is a bonafide resident of that district. All such proposals shall be routed through the government.

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- 15.09 Transfer of Indian nationals convicted in other countries or of foreign nationals convicted in India.**-Any Indian citizen convicted in another country, or a foreign national convicted in India, may be considered for transfer to their home country as per procedure established under the Repatriation of Prisoners Act, 2003 or any other law or rules in force at the time of such consideration.
- 15.10. Prisoners not to be transferred ordinarily in certain cases.**-No prisoner shall be transferred from the prison to which he was in the first instance committed, unless as a measure to prevent or relieve over-crowding and other prisoners eligible for transfer are not available, or for some other equally important reason, if the prisoner, -
- (i) has appealed and the appeal has not been disposed of;
 - (ii) has not appealed and the time for appealing has not elapsed;
 - (iii) is confined in default of finding security; or
 - (iv) is confined in default of payment of fine.
- 15.11. Medical examination of prisoner before the transfer.**-No prisoner who is under medical treatment shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.
- 15.12. Transfer of sick prisoners.**-Prisoners, who are sick, may be transferred from one prison to another prison on the following grounds, namely:-
- (i) No prisoner who is sick shall be transferred except for the benefit of his health.
 - (ii) When the Medical Officer is of the opinion that the transfer of a sick prisoner to another prison is likely to lead to his recovery, or will help in prolonging his life, or for availability of superior medical facilities, he shall forward a brief statement of the case to the officer in charge of prison, mentioning the prison to which a transfer is desirable. The officer in charge of prison shall thereafter submit the case to the Director General for his orders.
 - (iii) The officer in charge of the prison shall, on a requisition in writing from the Medical Officer, supply extra food, clothing and bedding to prisoners for such journeys. Medicines, with instructions for their use, shall if necessary, be supplied to the officer escorting such prisoner.
 - (iv) The Medical Officer shall be responsible to ensure that the medical case sheet of a prisoner is up-to-date at the time of his transfer.

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- (v) No prisoner, who is incapable of ordinary hard labour on account of age, sickness or infirmity, shall be recommended for transfer, against his wish, except under special circumstances.

- 15.13. Prisoner not to be transferred when epidemic prevails.**-No prisoner, without the special sanction of the Director General, shall be transferred from one prison to another while a promulgation under the Epidemic Diseases Act, 1897, or the Disaster Management Act, 2005 is in force/currency. Special precautions shall be taken to guard against infection when a transfer has to be made along a route where any disease of an infectious nature is known to prevail.
- 15.14. Prisoners not to be transferred unless they can be received.**-No prisoner shall be transferred to another prison until it is ascertained from the officer in charge of the prison to which the prisoner is proposed to be transferred, that he can be received.
- 15.15. Relatives of the prisoner to be informed of the transfer.**-Whenever a prisoner is transferred from a prison, intimation of such transfer shall be sent to the family of the prisoners.
- 15.16. Descriptive roll to be submitted.**-With every application for sanction to transfer a prisoner, a descriptive roll shall be submitted to the Director General, Prisons and Correctional Services. The reasons requiring the transfer shall in all cases, be stated.
- 15.17. Action when a transfer order cannot be carried out.**-When an order received for the transfer of any prisoner cannot be carried out, written intimation shall be sent to the Director General, Prisons and Correctional Services mentioning the reason why the order was not given effect to.
- 15.18. Prison official to accompany prisoners.**-(1) A prison official shall accompany prisoners on transfer when their number exceeds twenty and the transit involves more than twelve hours of travelling by any means. All Government property, documents and private effects sent with the prisoners shall be in his charge.
(2) The Deputy Superintendent (Administration) must satisfy himself before the prisoners leave the prison that all necessary arrangements have been made to provide them with the means of drinking water, food, etc. during travel, and that the prison officials and warders understand their duties in this connection.
- 15.19. Notice of the intended dispatch to be sent to the Police.**-Notice of the intended transfer of prisoner(s) or the production of prisoners before a court shall be given in writing to the Superintendent of Police at least twenty-four hours before the guard is required. Earlier intimation shall be given, whenever possible. Requisitions for a Police guard may state the number of prisoners to be guarded,

whether Indian or non-Indian, male or female, and whether there are any life convicts, or any violent or dangerous characters amongst them. Soon after receiving the requisition from the officer in charge of the prison, the District Superintendent of Police, or an officer under his appointment, shall confirm the availability of the police escort or otherwise.

NOTE: This communication can be done by any means of communication approved by the Government.

15.20. Police escort to be provided by the District Superintendent of Police.-(1)

Upon receipt of intimation from the officer in charge of the prison for provision of police escort for the transfer of prisoners, the District Superintendent of Police shall cause sufficient police guards and adequate transport to be provided for the safe and timely transfer of prisoners as intimated.

(2) The District Superintendent of Police shall ensure adequate security measures are put in place during the transfer, court appearance or hospital visit of high risk prisoners. It shall be the responsibility of the officer in charge of the prison from where the transfer is to be affected to inform the District Superintendent of Police regarding such high risk prisoners.

(3) Female police officials shall accompany female prisoners.

15.21. Precautionary measures.-As a precautionary measure, the complete details of the following types of prisoners shall always be supplied to the District Superintendent of Police in advance for ensuring that adequate security arrangements are in place at the time of handing over to the escorting party of the police, namely:-

- (i) prisoners with a sentence of five years and above;
- (ii) prisoners whose conduct in prison is bad or who have been found to be dangerous;
- (iii) prisoners involved in heinous offences;
- (iv) prisoners sentenced under section 224 of Indian Penal Code, 1860 (Central Act XLV of 1860), and those who are known to have escaped or have attempted to escape in the past;
- (v) high Risk Prisoners; and
- (vi) prisoners with more than one case.

15.22. Details to be provided to the officer in charge of the escort.-The officer in charge of prison shall also furnish to the officer in charge of escort, a memorandum showing the number of prisoners being transferred, their state of health and the date of transfer. He shall also send all these details to the officer in charge of

prison of the receiving prison, along with the probable date of their arrival well in advance.

15.23. Documents to accompany prisoner on transfer.-At the time of transfer of prisoners, the following documents shall be handed over to the officer in charge of the escort to be delivered to the officer in charge of the receiving prison, namely:-

- (i) original custodial warrant of prisoner;
- (ii) available records in the prison concerning the prisoner;
- (iii) remission card and history ticket;
- (iv) medical report;
- (v) details of personal belongings of prisoner;
- (vi) list of clothing, bedding and other government property sent with the prisoner; and
- (vii) copies of the orders of the court requiring the attendance of prisoners.

NOTE: The remission earned by the transferred prisoner up to the end of the preceding month shall be endorsed on his history ticket and on the warrant, and the entries shall be signed by the officer in charge of the prison. It shall be the responsibility of the Deputy Superintendent (Administration) to record the abovementioned information duly and correctly; to ensure that all documents to accompany the prisoners are correctly sent and to receive an acknowledgement.

15.24. Officer in charge of Prison to issue transfer order and certify details on the warrant.-The Officer in charge of the Prison shall, before transferring a prisoner, verify all the entries regarding him on the warrant and certify on the back of the warrant, the number and date of the order directing the transfer, the date of transfer and the prison to which prisoner is being sent.

15.25. Duty of Officer in charge of Prison with regard to prisoners to be sent to court.-Upon receipt of an order directing production of a prisoner before a court, the officer in charge of the prison in which the person named therein is confined, shall cause him to be taken to the court in which his attendance is required, to be present in such court at the time mentioned in such order, and shall cause him to be detained in custody in or near the court until he has been examined or until the judge or presiding officer of the court authorizes that the prisoner be taken back to prison in which he was confined.

15.26. Diet of prisoners removed from prison.-(1)The prisoner on transfer or about to be sent to a court shall receive a meal of cooked rations before starting.

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- (2) If a journey exceeds twelve hours, the officer-in-charge of the police escort, shall receive sufficient allowance for each prisoner to provide for purchase of food during the journey. All advances for such allowance or contingent requirements shall be accounted for by the officer to whom the money is entrusted.
- 15.27. Classes to be kept separate on transfer.**-Female prisoner shall, when on transfer, be kept completely apart from male prisoners. Transgender prisoners shall also be kept completely separate as per the directions of the Government from time to time. Further separation shall be carried out, as far as practicable, as per the provisions contained in these rules.
- 15.28. Safe custody of female prisoners during transit.**-When a female prisoner is transferred, a lady police official or guard shall accompany her. But, her presence shall not relieve the responsibility of the police guard for the safe custody of the prisoner in transit. Female prisoners shall not be handcuffed while in transit. The female prisoners shall travel only during daylight.
- 15.29. Outside communication during the transit.**-The officer in charge of escort shall see that the prisoners shall not communicate with outsiders and have no opportunity of obtaining forbidden articles, including cash or mobile phones, from their friends or relatives while in transit. During the transit period, the prisoners shall be searched daily and shall not be allowed to handle any cash, jewellery or other private property, except their personal effects.
- 15.30. Prisoners to be searched before the transfer.**- (1) When prisoners are about to be transferred, they shall be paraded inside the prison, and the Officer in charge of the Prison shall satisfy himself that the clothing and bedding of each prisoner are in good order and in proper quantity.
- (2) They shall be carefully searched under the supervision of the Deputy Superintendent (Security) or any other prison officer so designated in this behalf and the officer in command of the Police escort, from whom a receipt shall be taken for the prisoner's property and documents made over to him. Female prisoner shall be searched by women staff.
- 15.31. Intimation to be sent on the dispatch of prisoners.**-Immediately on the departure of prisoners, the officer in charge of prison shall send intimation to the officer in charge of the prison to which they are proceeding, announcing the number of the prisoners and the date and hour of their dispatch.
- 15.32. Time of arrival of prisoners.**-Prisoners shall be dispatched so as to reach the prison to which they are being transferred between the hours of opening the wards in the morning and lock-up. As far as possible, their dispatch shall be timed so that they shall not arrive on a Sunday or prison holiday.

15.33. Duties of warder or police officer in charge of prisoners.-The presence of a warder with prisoners on transfer in no degree affects the responsibility of the police officer charged with their escort and safe custody. The duties of the warder shall be, -

- (i) to provide the daily rations required, arrange when necessary for the cooking of the same, and see that the prisoners are plentifully supplied with drinking water;
- (ii) to preserve carefully and be responsible for the safe custody and safe-delivery of the documents and property of all sorts sent with the prisoners;
- (iii) to return safely to the prison from which the group was dispatched, the clothing and other Government property sent with the prisoner;
- (iv) to take receipts from the Deputy Superintendent (Administration) or duty officer of the receiving prison for the prisoner's property and documents made over;
- (ii) to make every endeavour to secure the immunity of the prisoners from sickness and injury; and
- (iii) to allow only authorized food on the journey.

Note: When prisoners are not accompanied by a warder, these additional duties devolve on the officer in charge of the escort who shall see that handcuffs, if imposed, are removed from a prisoner while he is eating, drinking or going to the toilet:

Provided that the number without handcuffs at any one time shall not exceed one-half of the number of constables in the escort.

15.34. Documents to be examined.-On the arrival of prisoners at their destination, all documents shall be carefully examined, the list of property, both Government and private, compared with the property, actually received and the necessary receipts furnished.

15.35. Prisoner falling sick on transit.-(1) Prisoners who fall sick in transit shall not be attached to any other prisoners, but shall be allowed, while they remain sick, to travel separately. If during transit a prisoner becomes so ill as to be unable to continue his journey, he shall be taken to the nearest hospital, or to any place where there is a public dispensary, or to the nearest prison for treatment by a Medical Officer. A report of the circumstances shall immediately be made to the Officer in charge of the transferring prison and of the prison to which the prisoner was to be moved.

- (2) The officer in charge of prison to which a sick prisoner on transit is taken,

shall receive and detain him, until well enough to proceed to his destination. The warrant and all papers connected with the prisoner shall be made over to the Officer in charge of Prison at which he is detained, and a note of the circumstances of detention shall be made upon his history ticket. On recovery, he shall be forwarded to his destination with his papers, and a report of the dispatch of the prisoner shall be sent to the prison to which he is to be consigned and to the Director General, Prisons and Correctional Services. In the case of a death, the facts and the date, shall be noted on his warrant, which with the other papers and property accompanying him shall be returned to the prison from where he came.

- 15.36. Death of prisoner before he can be received in any prison.**-If a prisoner dies while in transit and before he can be received in any prison en-route, the officer in charge of the police escort shall report the fact to the Magistrate of the district or the Sub-Divisional Magistrate, as the case may be, in which the death takes place, with a view to cause a judicial enquiry into the circumstances attending it. A copy of the proceedings along with the warrant documents and property accompanying the prisoner shall be forwarded to the officer in charge of the prison from whence he came. Such officer in charge of the prison shall submit a copy of the proceedings of the enquiry to the Director General, Prisons and Correctional Services. The officer in charge of the transferring prison shall inform the deceased prisoner's relatives, the Government, and the National/State Human Rights Commission of the death of the prisoner immediately.
- 15.37. Escape enroute.**-If an escape occurs enroute, an intimation of the same shall be given as soon as possible to the nearest police and administrative authorities, and to the officer in charge of the prison from which the prisoner came and to the officer in charge of the prison which was to receive him, with a view towards his recapture. If he is not immediately recaptured, then his property, warrant and other documents shall be returned to the prison from which he was dispatched.
- 15.38. Recapture of a prisoner who escapes on a transfer.**-A prisoner who escapes during transfer shall, if recaptured, be sent to the prison from which he was dispatched, and after the trial for the escape, forwarded to the prison to which he was being transferred when the escape took place. A report of the recapture of a prisoner and the date of dispatch to his destination shall be sent to the Director General, Prisons and Correctional Services and to the Officer in charge of the receiving Prison.
- 15.39. Receipt of the prisoner, etc.**-The Officer in charge of Prison or Deputy Superintendent (Administration) of the receiving prison shall duly acknowledge the receipt of the prisoners and of the documents and property relating to them which are detained by him. The receipt shall be made over to the police and

simultaneous intimation shall be sent to the dispatching prison. Articles of clothing and other Government property sent with the prisoner shall be taken over in the account of the receiving prison. Property so detained must be accounted for in the registers of both the prisons and in the indents for such articles subsequently submitted.

- 15.40. Dispatch of prisoner's property.**-On the transfer of a prisoner, the Deputy Superintendent (Administration) of the dispatching prison shall get a list of the prisoner's property in triplicate, as entered in the Prisoner Register, and obtain the signature of the officer in charge of the escort for the property as a token of receipt. The duplicate and triplicate forms, the former signed by the Deputy Superintendent (Administration) of the dispatching prison, together with the property, shall be given to the officer in charge of the escort to be handed over to the receiving prison, where the duplicate list shall be retained and filed. The triplicate shall be signed by the Deputy Superintendent (Administration) of the receiving prison and handed over to the officer in charge of the escort.
- 15.41. Procedure when the property is missing.**- If it is found on the arrival of the prisoners at their destination that the property received does not correspond with the list, immediate notice of the fact shall be given to the officer in charge of the police escort and officer in charge of the dispatching prison. The latter shall institute an enquiry into the matter.
- 15.42. Procedure on the arrival of prisoners at the receiving prison.**-Deputy Superintendent (Administration) of the receiving prison shall count the number of prisoners received and verify the number from that shown in the memorandum. If any prisoner is missing, he shall ascertain the cause from the officer-in charge of the police escort and record the fact on the receipt to be given to the officer-in charge of the escort and also report it to the officer in charge of prison from where such prisoner was transferred.
- 15.43. A detailed account of the funds entrusted.**-Deputy Superintendent (Administration) of the receiving prison shall also receive from the officer in-charge of the escort a detailed account of the funds entrusted to him. Deputy Superintendent (Administration) of the receiving prison shall take over any balance that may be due and remit it into the treasury. The officer in charge of the prison shall finally send the account to the transmitting officer with such remarks as he may deem necessary.
- 15.44. In case of any discrepancy.**-In case any discrepancy is noted in the documents and physical articles, information to this effect shall be given to the officer in charge of the transferring prison who shall ensure necessary action in this regard.

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- 15.45. Regarding treatment during transit.**-Deputy Superintendent (Administration) of the receiving prison shall question the prisoners as to their treatment during transit, the halts made and whether they received their meals. Any statement to the contrary, or complaints made, shall be noted on the receipt to be given to the officer-in charge of the escort and reported to the officer in charge of prison.
- 15.46. Neglect of duty on the part of the officer in charge of the escort.**-(1) If any breach or neglect of duty on the part of the officer in charge of the escort is noticed, the officer in charge of the receiving prison shall send a report to the Director General, Prisons and Correctional Services and District Superintendent of Police from where the police escort was made available.
- (2) Before dismissing the escort, the officer in charge of the receiving prison shall see whether any prisoners have to be transferred to the prison of the district whence it came, or to any other prison en-route and if there are, he shall deliver to the escort with all necessary documents and procedures prescribed in the above rules so many of the prisoners as the strength of the escort is sufficient to guard.
- 15.47. Rolls of all prisoners who have been convicted for an escape.**-The rolls of all prisoners who have been convicted for an escape from lawful custody shall be submitted, by the officer in charge of the district and sub-divisional prisons, to the Director General for sanction to their transfer to central prisons. An entry in red ink under the name of each prisoner shall be made as follows:-escaped from police, or escaped from prison, as the case may be.

CHAPTER 16**DEATH IN PRISONS**

- 16.01. Report of death to be made.**-In every case of sudden or violent death or supposed suicide, or whenever there is any doubt or complaint or question concerning the cause of death of any prisoner, a report shall forthwith be made to the District and Sessions Judge and police station, where the prison is situated to take necessary action under section 176 of the Criminal Procedure Code, 1973.
- 16.02. Procedure when unnatural death occurs.**-(1) Whenever a sudden or violent death or suicide takes place in a prison, immediate notice shall be sent to the officer in charge of prison and the Medical Officer.
- (2) If there are chances that the person is still alive, measures shall be taken at once for the prisoner's first-aid and treatment and revival. The prison officials shall make the best efforts to provide quick and best health assistance to the prisoner as per the circumstances.
- (3) In the case of a prisoner found suspended by a rope in an attempt to commit suicide, and if there is reason to believe that he may still be alive, the body shall be raised at once to relieve pressure and shall be laid gently on the ground. All measures shall be taken by the prison administration along with the medical staff of the prison to restore consciousness, without waiting for any assistance, which however shall be called for without delay.
- (4) It shall be the duty of the district police to send the viscera and other relevant documents for the chemical examination at the earliest.
- 16.03. Report to be made to the Head of Department etc.**-The officer in charge of prison, shall, in every instance in which an inquest may be held on the body of any prisoner confined in the prison, shall submit a detailed report of the circumstances of each case to the National Human Rights Commission and the Punjab State Human Rights Commission, to the Head of Department and all other concerned authorities for information.
- 16.04. Medical officers empowered to make post mortems.**-(1) The following officers are empowered under section 174(3) of the Code of Criminal Procedure to conduct post mortem examination, namely:-
- (i) all Civil Surgeons;
 - (ii) all Medical Officers holding collateral civil charges;
 - (iii) all Staff Surgeons; and
 - (iv) all Assistant Surgeons.

(2) The entire process of post mortem shall be video-filmed and a copy of the record and other relevant documents, which explicitly define the cause of death shall be submitted to the officer in charge of prison in addition to all other authorities mandated by the Government.

NOTE: The cost of the copy of the record that is to be provided to the officer in charge of prison shall be paid by the office of the officer in charge of prison.

16.05. Custody of articles used for suicide.-Knives and tools used in work sheds and barber's or tailor's equipment shall be counted and locked by the warders every day. Care shall be taken that nothing is left behind in the prison that may be used for suicidal purposes.

16.06. Precautions against the prisoners with apparent suicidal tendencies.-Prisoners with apparent suicidal tendencies shall be carefully watched and not left alone in a cell. Such prisoners may also be referred to counsellors and psychiatrists and shall be supervised closely.

NOTE: At the time of admission every prisoner shall be taken by the prison staff only if the complete medical examination that explicitly describes the mental and physical health of the prisoner, has been done as instructed by the Government from time to time.

CHAPTER 17**UNDERTRIAL PRISONERS**

17.01. Classification of undertrial prisoners.-The classification of undertrial prisoners shall be done only on the basis of security, discipline and institutional programme. The undertrial prisoners shall be classified as under, namely:-

- (1) **Category 1:** Gangsters, drug offenders, violent and rabid religious fundamentalists, naxalites, extremists and terrorists or any other individual characteristics warranting confinement in Security Zone-1;
- (2) **Category 2:** Hired assassins, dacoits, serial killers, criminals involved in violent rape incidents or robberies, communal fanatics and those highly prone to escapes, offenders involved in attack on police personnel, offenders prone to self-harm, those posing threat to public order, warranting confinement in Security Zone- 2;
- (3) **Category 3:** Prisoners who have threat to limb or life from other prisoners, political prisoners, police officers or any other prisoner facing specific identifiable threat warranting confinement in Security Zone – 3; and
- (4) **Category 4:** Those who do not pose any threat to the society upon release like those involved in murders on personal motives, other bodily offences, human trafficking, theft or property offences, prohibition offences, other special and local laws, railway offences and other minor offences.

NOTE 1: Persons suffering from mental ailments and young offenders shall be lodged separately.

NOTE 2: Courts shall send intimation to prison authorities about under trial prisoners who have turned approvers or have made confessions.

NOTE 3: An accused person detained under section 122 (2) of the Code of Criminal Procedure, 1973 must be treated as an undertrial prisoner until his case has been decided by the Sessions Court or High Court.

17.02. Approvers.- When an undertrial prisoner has been admitted by the court as an approver or a confessing accused, he shall be kept separate from others concerned in the same case. Where there are separate cells or compartment in the undertrial ward, these may be utilized for this purpose. If there is no separate compartment, such prisoners may be kept in separate cells by day and in separate wards by night, but care must be taken that they are not kept in solitary confinement.

17.03. Treatment of approvers.-Undertrial prisoners reported by the court or the

District Magistrate to be approvers or confessing accused persons, shall be kept separate and prevented from communicating with all other undertrial prisoners. They may, however, be allowed to mix among themselves during the day. But care shall be taken to see that confessing accused persons and approvers in the same case are kept separate.

- 17.04. Separate confinement of approvers.-**In all cases where after a confession has been recorded and no intimation has been received from the Magistrate that separate confinement is no longer necessary, the officer in charge of prison shall, after waiting for a few days, shall seek the orders of the concerned court as to the approver's separate confinement.
- 17.05. Special directions of Courts.-** Any special direction as to the separation of an undertrial prisoner given by the Judge or Judicial Magistrate or Executive Magistrate shall be carried out. Such separation shall be unaccompanied by any irksome condition beyond those necessary to secure the object in view, namely, to prevent him from communicating directly or indirectly with other prisoners concerned in the same or another case.
- 17.06. Identification for court purposes.-**(1) Such Undertrial prisoners shall not be allowed to cut or shave their hair on their heads or faces or in any way to alter their appearance, to make it difficult to recognize them. They shall not, however, be prevented from changing their clothes, provided that their appearance is not materially altered when they are presented for identification in the prison or sub-prison or when sent to court for trial.
- (2) The police shall give intimation to prison authorities of cases in which identification of undertrial prisoners is to be carried out and shall give a full description of the growth of hair, moustache, beard etc., which the undertrial prisoners had at the time of the arrest.
- (3) The identification parade shall be held by the Judicial Magistrate.
- 17.07. Facilities to be extended to undertrial prisoners.-** The following facilities shall be extended to all undertrial prisoners, namely:-
- (i) legal defence;
 - (ii) interviews with lawyers or family members (for legal purposes);
 - (iii) signing Vakalatnama properly filled and signed by the bonafide legal practitioner. The same shall be attested by the Deputy Superintendent or such officer as authorized on this behalf by the officer in charge of prison; and
 - (iv) applications to courts or Legal Aid Societies for legal aid as per provisions of law.

NOTE: Such facilities as are sanctioned by the Government shall be extended to undertrial prisoners.

- 17.08. Maintenance from private source.-** (1) An undertrial prisoner shall be permitted to maintain himself and to purchase or receive from private sources at proper hours clothing, bedding or other necessities, but subject to examination and to such rules as may be approved by the Head of Department.
- (2) No cooked food or any food article from outside the prisons shall be permitted to undertrial prisoners. He can purchase any such article from the prison canteen as per rules of the Government from time to time.
- 17.09. Undertrial prisoners subject to the same rules as convicts in matters of search, admission, release etc.-** All the rules relating to the admission, search, release, prison discipline, punishment and property when not at variance with the rules in this chapter, shall apply to all the undertrial prisoners.
- 17.10. Restriction on the transfer of articles and clothing.-** Usual private clothing to meet reasonable requirements shall be allowed to undertrial prisoners. Such articles of clothing which may affect the security requirements of the prison shall not be allowed. No part of any food, clothing, bedding or other necessities belonging to any undertrial prisoner shall be given, hired or sold to any other prisoner and any prisoner transgressing the provisions of this chapter shall lose the privilege of purchasing food or receiving it from private sources for such time as the officer in charge of prison thinks proper.
- 17.11. Supply of clothing and bedding by the prison administration.-** (1) Every undertrial prisoner who does not have sufficient clothing and bedding shall be supplied with such clothing and bedding shall be supplied with such clothing and bedding as may be necessary. For the purpose of order and identification during movements inside the prison or during roll-calls, all undertrial prisoners shall wear a chest number issued by the prison administration at all times within the prison.
- (2) Such chest numbers shall be required to the prison, on conviction or release of the undertrial from prison. The chest number shall also be written on the prisoner's identity card issued by the prison administration. Convicts, who are undertrials in other cases, shall wear convict uniform.
- (3) Undertrial prisoners shall not be required to wear such chest numbers during court appearances or visits to hospitals outside the prison.
- (4) Undertrial prisoners shall not be allowed to wear garment(s) similar in design, colour or pattern to that of any uniform of a State Police, Central Armed Police Force, Indian Armed Forces or any other security agency under any State or Union of India. This would include olive green and camouflage colour/patterns

worn by the armed forces and the 'khaki' colour of police and other security forces.

(5) The Director General may, in his discretion from time to time, for the purpose of maintenance of order, discipline and control in prisons, issue detailed directions and guidelines concerning clothing, bedding and other facilities to be provided to undertrial prisoners.

17.12. Supply of clothing and bedding etc. to undertrial prisoners. -(1) Every undertrial prisoner may, unless in any case the officer in charge of prison otherwise directs, be supplied with clothing or bedding and other necessities by his relative at such hours as the officer in charge of prison may, from time to time fix in that behalf.

(2) Every article supplied under sub-rule (1) shall be delivered to the Deputy Superintendent (Security) or any other officer appointed by the officer in charge of prison for the purpose.

Note: Private articles bearing marks or symbols of political affiliations shall not be allowed to be kept or used by the undertrial prisoners.

17.13. Certain articles not to be given without permission.-No article shall be given to any undertrial prisoner if:

- (i) it is injurious to health; or
- (ii) It is an intoxicating drug or spirituous liquor without the approval of the Medical Officer.

17.14. Purchase of articles.-All articles purchased for any undertrial prisoner other than those issued from the prison supplies shall be purchased through or under the orders of the officer in charge of prison.

17.15. Permission to cook his own food.-No permission shall be granted to under trial prisoner to cook his own food but such a permission may be granted at the discretion of the officer in charge of prison and the same shall be given sparingly and it shall be the endeavour of the prison administration to do away with this practice over the course of time. All ration and raw materials used for cooking shall be those that are procured from prison canteens only, and no ration or raw material shall be permitted from outside. The provision of cooking food for self-consumption shall be a matter of privilege and not right for the prisoners. However, no cooking facility shall be provided to prisoners lodged in High Security Zones.

17.16. The privilege of purchasing necessary articles from outside may be withheld.-(1) If any injurious or prohibited article is found concealed in anything supplied to an undertrial prisoner by his relatives, the privilege of being allowed to

purchase from private sources shall be withdrawn.

(2) The officer in charge of a prison may, for any sufficient reason refuse to allow the purchase for or delivery to an undertrial prisoner, of any article which he considers to be unnecessary or unsuitable.

17.17. Duty of officer with respect to previous convictions.-(1) It is the duty of every officer of a prison or any Prisoner Watchman/Nigraan when it comes to his knowledge that an undertrial prisoner has been previously convicted, to report such information to the officer in charge of prison and the same shall be entered in the record after due verification.

(2) The local police shall also be responsible for conveying to prison authority details of the previous criminal record and any cases already registered against the undertrial prisoner when they are first brought to prison.

17.18. Additional cases.-When additional case or cases are pending against a prisoner, the following action shall be taken, namely:-

(1) Entries of additional cases in red ink on the remand warrant, in appropriate columns of undertrial register and court diary shall be made;

(2) Intimation to the court or courts concerned about pending cases stating whether the prisoner is on bail or not, in connection with that case or those cases shall be sent.

17.19. Undertrial prisoners may be kept separate.-Any special directions as to the separation of an undertrial prisoner, given by the Magistrate, shall be carried out. Such separation shall be unaccompanied by any irksome conditions beyond those that are necessary to secure the object in view, namely to prevent him from communicating directly or indirectly with other prisoners concerned in the same case.

17.20. Charge of the undertrial prisoner ward.-The undertrial prisoner ward shall be placed under the charge of an Assistant Superintendent or Head Warder or Warder who shall visit regularly by the groups employed for sweeping and supplying food and water.

17.21. Work pertaining to undertrial prisoners to be the responsibility of Assistant Superintendent.-All the works pertaining to undertrial prisoners shall be the responsibility of Assistant Superintendents under the overall guidance and supervision of the Deputy Superintendent (Administration).

17.22. Undertrial prisoners to keep themselves, their clothing clean.-(1) An undertrial prisoner shall be subjected to, as little interference as is required for maintenance of order and discipline in the prison, but he shall keep himself and his

clothing and bedding clean. Undertrial prisoners shall clean the yards, barracks and cells where they are kept. The undertrial prisoners shall be informed in detail for this work. Such work may be allotted on a group basis, so that through the cumulative work of all the undertrial prisoners, the yards, barracks, cells get cleaned up. It shall also be incumbent on all undertrial prisoners to keep their own clothing, bedding and equipment properly washed, cleaned, and disinfected.

(2) He shall not be compelled to labour except by way of punishment, but may be required to keep the ward, cell or other compartment occupied by him clean.

(3) No work of a degrading character shall be exacted from any undertrial prisoner.

17.23. Work.-In case any undertrial prisoner is interested to work, he shall be given the work according to his skills and shall be paid wages as may be ascertained by the Government. The undertrial prisoner has to give a written application to the officer in charge of prison regarding his consent to work.

17.24. The daily routine for undertrial prisoner prisoners.-(1) The under trial prisoners shall have to do Morning Physical Training and Drill, Meditation, Prayer, Yoga, Educational classes, Newspaper or magazine reading, Social education, Sports, Vocational Training, cleaning of wards, cells, yards, and kitchen work as part of their daily routine. Physical Training and Drill in the morning are among the most important daily routine activities to maintain order and discipline inside the prisons and any refusal to do these activities shall be considered as wilful disobedience.

(2) The Head Warder or Warders in charge of undertrial prisoners shall be responsible for their participation in all daily routine activities.

17.25. Undertrial prisoners not to alter their appearance.-An undertrial prisoner shall not be allowed to have their hair cropped or in any other way, allowed to alter their personal appearance to make it difficult to recognize them. The Prisoners who have been in the prison for more than a month may, however, if they desire it, have their hair cut to the length it was when they were admitted.

17.26. Escort of undertrial prisoners to court.-(1) For transporting undertrial prisoners to and from the court and other destinations, necessary arrangements for conveyance shall be made by the police authorities. If a separate conveyance could not be provided, the common conveyance may, at the least, having separate compartments for women undertrial prisoners and young undertrial offenders shall be provided.

(2) If any prisoner made request that cash belonging to him in his welfare account may be returned to him when sent to court to enable him to pay for legal

assistance, the same shall be returned to him and a receipt shall be taken from the prisoner, otherwise such money shall be retained by the Deputy Superintendent (Administration) and shall, if the prisoner be released in court, be delivered to him at the prison gate together with his private property on his application. Articles of clothing brought to prison by an undertrial prisoner shall be entered into the appropriate column of Register No. I. The use of hand cuffs is allowed only with the permission of the concerned court.

(3) Except clothes of the prisoner, the undertrial prisoner shall not be allowed to carry the papers pertaining to his case, eatables and drinking water provided by the prison authorities with him.

(4) The police escort shall not allow any eatables from outside or prohibited articles to undertrial prisoners during their journey between the court and the prison or on the court premises.

(5) On return of an undertrial prisoner from the court to the prison gate, if any unauthorized article is found or an irregularity is noted by the prison officer on duty, he shall forthwith report the matter to the senior officer on duty and if necessary, to the District Superintendent of Police for action.

(6) When an undertrial prisoner confined in a prison or sub-prison is required for another case or cases for which he is on bail, the court concerned shall duly intimate the prison authorities.

(7) If the undertrial prisoner is released from the court he may claim his personal property, if any, from the prison authorities within seven days, failing which the same shall be auctioned in accordance with the relevant rules.

17.27. Attendance of undertrial prisoner at court.-(1) The undertrial prisoners may be produced before the court in person or through the medium of electronic Video conferencing under sub-section 2(b) of section 167 of the Code of Criminal Procedure, 1973. For this purpose, efforts shall be made for creating a necessary infrastructure based on the availability of connectivity in prisons to enable trial of undertrial prisoners through video conferencing, in accordance with provisions contained in section 275 of the said Code.

(2) An undertrial prisoner shall be produced before the court, on the due date of hearing, in person. However, for extension of detention in custody, he may be produced before the court either in person or through electronic media like, video-linkage or video conferencing. For this purpose, a court diary shall be maintained in which all relevant entries of production before various courts shall be made. These entries shall be made daily by the officials concerned and daily supervised by the officer in charge of undertrialwarrant office.

(3) To provide sufficient manpower and infrastructure for operating video conferencing or any other approved means of communication, for the purpose of court appearance and trial of prisoners shall be the responsibility of the Government.

17.28. The names of all undertrial prisoners to be produced each day before the Magistrate must be entered in the Court diary by the officer designated as a court officer, whose duty shall be to ensure the punctual attendance of prisoners at court on the day fixed. The court officer so designated shall produce the diary to the Deputy Superintendent (Administration) and obtain written acknowledgement for production of prisoners before the Magistrate along with their warrants kept in the almirah with pigeon-holes. The court officer shall also be responsible to bring them back to the prison after they have been produced before the Magistrate. The Deputy Superintendent (Administration) or any other officer so designated in this behalf shall also initial in this diary the entry of the name of every prisoner received from court either on remand or conviction.

17.29. Requisition of Escort and transportation.-(1) On the basis of the court diary, requisition for police escort shall be sent sufficiently in advance. The Superintendent of Police is responsible to provide the police escort for court hearings of prisoners. The information about women, transgender, adolescent, juvenile undertrial prisoners and as far as possible, about violent, dangerous and notorious undertrial prisoners shall be sent to the police authorities while requisitioning the escort.

NOTE: On receiving requisition from prison officials, Superintendent of Police must send a confirmation in this regard Immediately.

(2) For transporting undertrial prisoners to and from the court and other destinations, necessary arrangements for conveyance shall be made by the police authorities. If a separate conveyance could not be provided, the common conveyance may, at the least, having separate compartments for women undertrial prisoners and young undertrial offenders shall be provided.

17.30. Handcuffing.-(1) The handcuffing of undertrial prisoners shall only be resorted to when there is no other reasonable way of ensuring maintenance of order, safety of prisoners and/or preventing escape of prisoner(s).

(2) The undertrial prisoners shall only be handcuffed after recording the reasons in writing and only with the prior approval of the Court.

(3) The undertrial prisoners of the following categories or under below mentioned conditions may be handcuffed:

- (a) Prisoners of the following types may be handcuffed during transit:-
 - (i) Prisoners involved in serious and violent offences;

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- (ii) Prisoners with notorious or dangerous criminal background;
 - (iii) Violent, aggressive and refractory prisoners;
 - (iv) Prisoners who have previously escaped or attempted to escape.
 - (b) Handcuffing of undertrial prisoners inside the prison may be resorted under the following circumstances:-
 - (i) When the prisoner is violent, aggressive or refractory and is likely to cause hurt to other prisoners or to himself;
 - (ii) When there is sufficient reason to believe that a prisoner or a group of prisoners may escape or attempt to escape and handcuffing is the most suitable mean to prevent the same; and
 - (iii) When the prisoner is likely to cause self-harm and restraining him by handcuffing has been recommended by the Medical Officer.
 - (4) The handcuffing or use of any instrument of restraint to undertrial prisoners may be done in the court premises with the permission of the court.

17.31. Undertrial prisoners to be searched while taking them to the court and at the time of return.-All the undertrial prisoners shall be searched thoroughly at the time of admission, while taking them to the court and at the time of return.

17.32. Notice of discharge or release on bail.-If a convicted prisoner be discharged in court or released on bail while attending court and notification of this fact is not received on the same day, the officer in charge of prison shall, without delay call the attention of the court to the matter. On receipt of such intimation, entries in the appropriate columns of the undertrial prisoner's admission register shall be made.

NOTE: The notification shall be brought back by the police escort who took charge of the prisoner for conveyance to the court.

17.33. Release of undertrial prisoner. – (1) The order for release on bail of an undertrial prisoner shall be accepted by the prison administration only if sent through registered post or any other approved means of communication. If any private person brings such documents, the same shall not be accepted at the prison office.

(2) On receipt of a warrant or order of revision directing the release of an undertrial prisoner, he shall be at once released by the Deputy Superintendent (Administration) even in the absence of officer in charge of prison. The officer in charge of prison shall sign the release order the next day as if the prisoner was released in his presence. However, no such orders shall be executed after the lock-up time.

(3) In case the order of release is received after the wards are locked up for the night, the undertrial prisoner shall be released immediately after the wards are opened the next morning.

17.34. Release from the court.-(1) When an undertrial prisoner is discharged or released from the court, an endorsement to that effect shall be made by the court in the specified form. On receipt of such intimation, entries in the appropriate columns of the undertrial register shall be made.

(2) If the undertrial prisoner is released from the court he may claim his personal property, if any, from the prison authorities within seven days, failing which the same shall be auctioned as per rules.

17.35. Release from prison.-(1) The release orders and bail bonds shall be sent through post or any other approved means of communication. If any private person brings such documents, the same shall not be accepted at the prison office.

(2) On receipt of a bail bond or release order, prompt action must be taken. In a central or a large district prison, an undertrial prisoner shall normally be released on the same day of the receipt of the bail bond or release order.

(3) Before releasing an undertrial prisoner, the officer in-charge shall attend to the following points:-

- (i) Scrutiny of bail or release order with relevant original papers and records;
- (ii) Information the prisoner regarding contents of the bail order;
- (iii) Checking whether any other case is pending against the undertrial prisoner;
- (iv) Checking the identity of the undertrial prisoner;
- (v) Handing over personal belonging and cash of prisoner to him; and
- (vi) Recording of weight on release in the undertrial prisoner admission register.

(4) After release, the warrant of detention and bail order shall be duly returned to the court concerned along with a certificate of release by the officer in charge of prison.

17.36. Weight of undertrial prisoner on release.-The weight of every undertrial prisoner on release, shall be recorded in the register of undertrial prisoners. When such prisoner is released in court the last weight recorded on the history-ticket shall be taken at the time of weight on release.

17.37. Weekly list to be sent to the District Magistrate.-The officer in charge of prison shall submit weekly to the District Magistrate a list (in a form as specified

from time to time by the Head of Department through a standing order) giving the names and other particulars required by the form, of all undertrial prisoner other than those committed to Sessions, who have been detained in prison for more than thirty days since their first admission.

- 17.38. Cases of prisoners admitted for bailable offences to be brought to the notice of the court.**-The officer in charge of prison shall provide the details of undertrial prisoners admitted for bailable offences to the concerned court, Deputy Inspector General Prisons of the concerned (Circle) and Head of Department periodically as required.
- 17.39. Serious illness of an undertrial prisoner.**-(1) Whenever an undertrial prisoner is seriously ill, the officer in charge of prison shall report the circumstance to the concerned court or, if the prisoner is awaiting trial before the Sessions Court, to the Sessions Judge, along with the medical report, in order that if the law permits and the Court thinks proper, the prisoner may be released on bail.
- (2) In the event of an undertrial prisoner being too ill to attend court on the appointed date, the officer in charge of prison shall report the circumstances as required through submission of his medical report, to the court.
- 17.40. Transfer to an outside Hospital.**-When the prison Medical Officer recommends that in the interest of the health of the undertrial prisoner, he must be transferred or admitted to a hospital outside the prison, immediate action shall be taken and the matter shall be reported to the court concerned.
- 17.41. Notice of death to be sent to court.**-Notice of the death of every undertrial prisoner shall be sent as soon as possible after the occurrence to the court under whose authority such undertrial prisoner was detained.
- 17.42. Transfer of Undertrial prisoners.**-During an emergency or on administrative grounds or other reasonable grounds, the Head of Department or Deputy Inspector General (Circle), Prisons and Correctional Services, is authorized to transfer undertrial prisoners from one prison to another within the State or Circle respectively, provided that if a prisoner is transferred to a place outside the jurisdiction of the court concerned, prompt intimation shall be sent to the court. The prisoner shall be produced before the court on the due date.
- 17.43. Undertrial Review Committee and petty cases.**-A committee consisting of the District Judge, as Chairperson, the District Magistrate, the Senior Superintendent of Police and Secretary, District Legal Service Authority as members, shall be constituted to identify under-trial prisoners who have completed half of the maximum period or maximum period of imprisonment provided for the said offence under the law.

- 17.44. Conducting of Courts in Prisons.**—To dispose of the cases of under-trial prisoners involved in petty offences, the courts may be held in the prison premises on the orders of the High Court or the Sessions Court.
- 17.45. Cross references in cases of prisoners on trial in more than one case.**—If an undertrial prisoner is being tried in more than one case, a cross reference, signed and dated by the Deputy Superintendent (Administration) or any other officer designated in this behalf, shall be made on the back of each warrant in red ink in the following form:
“Another case pending. Not to be released from court”.
- 17.46. Certain undertrial prisoners who are not allowed to be interviewed.**—The order of the Court or of the District Magistrate to the effect that a particular undertrial prisoner not to be allowed to be interviewed by any person including official visitors, shall be strictly complied with and intending interviewers shall be informed of such orders. In special cases, a reference shall be made to the Court or the District Magistrate, as the case may be.
- 17.47. Early return of undertrial prisoners from courts.**—(1) The undertrial prisoners shall not ordinarily be kept in courts so late as to necessitate their admission to the prison for lock-in after lock-in time of the prison. The officer in charge of prison shall draw the attention of the District and Sessions Judge, Chief Judicial Magistrate and Superintendent of Police to any instances in which this rule has not been complied. As soon as the court work is over, such undertrial prisoners, as having been remanded to prison custody shall be brought back to the prison immediately.
(2) On return of an undertrial prisoner from the court to the prison gate, if any unauthorized article is found or a special circumstance or an irregularity is noted by the prison officer on duty, he shall forthwith report the matter to the senior officer on duty and if necessary, to the District Superintendent of Police for action. Such cash, as is brought by the police escort, shall be recorded in the register and deposited in the prison office under intimation to the undertrial prisoner
- 17.48. Production of undertrial prisoners in other States.**—When an undertrial prisoner is required to be sent to another State for trial, the State from where the undertrial prisoner is to be sent shall arrange for the escort. The travel and other incidental expenses of the escort for the undertrial prisoner shall be borne by the dispatching State.
- 17.49. Production of undertrial prisoners before the court in civil suit proceedings.**—The undertrial prisoners shall be produced before the court for civil suit proceedings strictly in accordance with the provisions of Code of Civil Procedure, 1908.

- 17.50. Prevention of undue detention.**—(1) An undertrial prisoner whose case is being tried by a Magistrate shall be produced before the Magistrate at least once in fifteen days for the purpose of further order upon the expiry of each period of remand, the prisoner shall be placed before the Magistrate.
- (2) A statement in the prescribed form showing details of undertrial prisoner, whose cases have been pending for more than three months, shall be sent on the fifth day of each month to the Sessions Judge or District Magistrate with relevant extracts to the court concerned.

CHAPTER 18

CONVICTS SENTENCED TO SIMPLE IMPRISONMENT

- 18.01. Treatment of Simple Imprisonment Convicts.**—(1) The convicts sentenced to simple imprisonment shall be subject to, as little restriction, as is consistent with the maintenance of order and discipline in the prison.
- (2) They shall be required to wear prison uniform as specified under these rules.
- (3) The prisoners convicted by any competent authority under an Act or rule of Defence or Para-Military Forces and sentenced to simple imprisonment are not entitled to wear military uniform while in prison.
- 18.02. Articles to be issued.**—A convict sentenced to simple imprisonment shall:-
- (i) be supplied with prison uniform as specified under these rules;
- (ii) be supplied with a cup, plate and bedding as issued to convicts under sentence of labour; and
- (iii) be required to keep such clothing, bedding and other necessities, as may be issued to him, in a clean and orderly condition.
- 18.03. Simple Imprisonment Convicts to keep the Wards and Yards clean.**—The convicts sentenced to simple imprisonment shall keep their wards and yards clean. Such work may be allotted on a group basis, so that through the cumulative work of all the prisoners, the yards, barracks, and cells shall get cleaned up. They shall not, however, be compelled to perform any menial duties for others or to do any work of a degrading character.
- 18.04. Convicts allowed to converse.**—The convicts sentenced to simple imprisonment may, except during parades, at exercise time and when ordered not to do so, be allowed to converse together in a quiet and orderly manner.
- 18.05. Employment of Criminal Prisoners sentenced to Simple Imprisonment.**—The officer in charge of a prison shall make such arrangement for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment, but no prisoner, not sentenced to rigorous imprisonment, shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.
- 18.06. Conditions subject to which convicts may labour.**—Every prisoner sentenced to undergo simple imprisonment, who opts to do labour, shall ordinarily be employed on labour of a kind that is most suitable for him and for which he is, for the time being, fit. If he expresses a desire at any time to cease work, he shall be permitted to do so.

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- 18.07. Remission for Simple Imprisonment Convicts.**—The prisoners sentenced to simple imprisonment of three months or more and who volunteer to work and continuously work for at least one month shall be eligible for earning ordinary remission. The scale of remission and the procedure to award remission shall be in accordance with the provisions of Chapter 10 of these rules.
- 18.08.** The prisoners sentenced to simple imprisonment shall also be eligible for earning special remission under the provisions of Chapter 10 of these rules.
- 18.09. Convicts required to perform routine activities.**—A convict sentenced to simple imprisonment, who does not elect to labour, shall not have the option to opt out of daily routine activities like morning exercise, yoga, parade, educational and skill development programmes as specified from time to time.

CHAPTER 19

CIVIL PRISONERS

- 19.01. Classes of civil prisoners.**— The civil prisoners include a judgment debtor confined under a warrant in the execution of a decree of a civil court, an income tax or provident fund defaulter detained in custody, and any prisoner other than a criminal prisoner. Civil prisoners include six classes, namely:—
- (i) Persons committed to civil prison by order of a civil court under section 32(d) of the Code of Civil Procedure, 1908;
 - (ii) Defendants committed to the civil prison after arrest before judgment;
 - (iii) Judgment debtors detained under an order of a civil court in execution of a decree;
 - (iv) Persons imprisoned under the order of a Criminal Court under sections 318, 332 or 446 of the Code of Criminal Procedure, 1973; and
 - (v) Persons detained in the civil prison under any other law for the time being in force.
- 19.02. Civil Prisoners to be confined in the civil prison.**—Every civil prisoner shall ordinarily be confined in the civil prison. In a place where there is no civil prison of the accommodation provided in the civil prison is inadequate or unsuitable, civil prisoners may be detained in a portion of the criminal prison specially set apart for use as a ward for such prisoners.
- 19.03. Officers and visitors of a Civil Prison.**—(1) Wherever there is a civil prison at any place at which there is also a prison for criminal prisoners, the civil prison shall be under the control and management of the officer in charge of prison and other officers of the criminal prison, and shall be administered as if it formed an integral part thereof.
- (2) The visitors appointed to a prison established at any place for the confinement of criminal prisoners, shall be deemed to be visitors also of any civil prison established at the same place.
- 19.04. Maintenance of certain prisoner from private sources.**—A civil prisoner or an undertrial prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours clothing, bedding or other necessities but subject to examination and to such rules as may be approved by the Head of Department.
- NOTE:** A civil prisoner shall be treated like an undertrial prisoner with regard to discipline, supply of newspapers, books and other items and recreation facilities.

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- 19.05. Diet of Civil Prisoners.**—The civil prisoners shall be supplied with prison diet at the prescribed scale for other prisoners.
- 19.06. Subsistence Allowance.**—The Government may specify a scale for subsistence allowance to be payable for the subsistence of judgment debtors.
- NOTE:** If the subsistence allowance fixed by the court is too small, it is open to the Head of Department, to apply to the Government to raise the scale. Cooking utensils must not be purchased from the allowance.
- 19.07. Articles to be delivered to the Deputy Superintendent and to be examined.**— Every article of every kind whatsoever at any time supplied for the use of any civil prisoner shall be delivered to the Deputy Superintendent (Security) or other officer appointed by the officer in charge of prison in this behalf, and shall be examined before it is made over to the prisoner, and any such article may, for any sufficient reason, be withheld, by Officer in charge of Prison, from such prisoner.
- 19.08. Certain articles not to be given.**—No intoxicating drug or spirituous liquor of any kind, shall without the order of the Medical Officer, be given to any civil prisoner. Articles prohibited to be delivered or kept by other prisoners shall be so prohibited for civil prisoners as well.
- 19.09. Articles to be purchased from outside.**—All articles purchased for any civil prisoner, otherwise than from prison supplies, shall be purchased through or under the orders of the Deputy Superintendent (Administration).
- 19.10. Restriction of transfer of food and clothing.**—No part of any food, clothing, bedding or other necessities belonging to any civil or undertrial prisoner shall be given, hired or sold to any other prisoner, and any prisoner transgressing the provisions of this rule shall lose all the privileges for such time as the officer in charge of prison thinks proper.
- 19.11. Monthly Allowance fixed by the court to whom to be paid.**—(1) Where a judgment debtor is committed to the civil prison in execution of a decree, the court shall fix for his subsistence such monthly allowance as he may be entitled to according to the scales fixed under rule 19.06 or where no such scales have been fixed, as it considers sufficient with reference to the class to which he belongs.
- (2) The monthly allowance fixed by the court shall be supplied by the party on whose application the judgment debtor has been arrested by monthly payments in advance before the first day of each month.
- (3) The first payment shall be made to the proper officer of the court for such portion of the current month as remains unexpired before the judgment debtor is

committed to civil prison and the subsequent payment, if any, shall be made to the officer in charge of the civil prison.

(4) The sums disbursed by the decree-holder for the subsistence of the Judgment debtor in civil prison shall be deemed to be costs in the suit.

NOTE: The monthly allowance under sub- rule (2) shall, when received by the prison be credited into the Government Treasury and the Treasury receipt attached to the detailed contingent bill for the month. The amount so credited shall be drawn on an abstract bill when required. Amounts disbursed on behalf of judgment-debtor in respect of supplies from stock, purchase from the bazaar, and balances paid to the Decree-holder, shall be recorded in the prescribed register and shown in Voucher attached to the Detailed Contingent Bill for the month under head Miscellaneous dietary charges. The total amount thus shown must agree with the Treasury receipt and difference, if any, shall be explained.

19.12. Expenses of medicine of civil prisoners.-In the event of a civil prisoner falling sick, expenses of his treatment shall be borne by the decree holder or by the Government.

19.13. Supply of clothing and bedding to civil and undertrial prisoners.-(1) Every civil prisoner and undertrial prisoner unable to provide himself/herself with sufficient clothing and bedding shall be supplied by the officer in charge of prison with such clothing and bedding as may be necessary.

(2) When any civil prisoner has been committed to prison in execution of a decree in a favour of a private person, such person, or his representative, shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the officer in charge of prison the cost of the clothing and bedding so supplied to the prisoner and in default of such payment, the prisoner may be released.

NOTE 1: The name, address of the decree-holder or his representative may be obtained from the Civil Court which issued the decree. When received, the demand in writing for payment shall be delivered to him.

NOTE 2: Instead of paying for the cost of clothing and bedding, the decree holder may supply the same to the officer in charge of prison.

NOTE 3: The cost of clothing shall be calculated at the prevalent rates.

19.14. Detention and release of Judgment Debtor.-Every person detained in the civil prison in execution of a decree shall be released from such detention before the expiration of the prescribed period, as the case may be in the following circumstances, namely:-

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- (i) on the amount mentioned in the warrant for his detention being paid to the Officer in charge of the civil prison;
 - (ii) on the decree against him being otherwise fully satisfied;
 - (iii) on the request of the person on whose application he has been so detained, or
 - (iv) on the omission by the person on whose application he has been so detained to pay subsistence allowance, provided that he shall not be released from such detention under clause (ii) or clause (iii) without the order of the court.

NOTE: If the judgment-creditor omits to pay the allowance vide clause (iv), the prisoner shall be released on the morning of the day for which no allowance is paid.

19.15. Extras (additional requirements) for civil prisoners how to be charged.-If any extra articles of diet are ordered by the Medical Officer for a civil prisoner, on medical grounds, any excess expenditure over and above what can be met by the daily subsistence allowance shall be paid by the Government.

19.16. Release on the ground of illness.-(1) At any time after a warrant for the arrest of a judgment-debtor has been issued, the Court may cancel it on the ground of his serious illness.

(2) Where a judgment debtor has been arrested, the court may release him if in its opinion he is not in a fit state of health to be detained in the civil prison.

(3) Where a judgment-debtor has been committed to the civil prison he may be released there from,-

- (i) by the Government, on the ground of the existence of any infections over contagious disease, or
- (ii) by the committing court or any Court to which that court is subordinate on the ground of his suffering from any serious illness.

(4) A Judgment debtor released under this rule may be re-arrested, but the period of his detention in the civil prison shall not in the aggregate exceed that prescribed by section 58 of the Code of Civil Procedure.

19.17. Disposal of the balance of diet money on release.-(1) When a civil prisoner has been released the balance, if any, of diet money or sale-proceeds of clothing of the Government Treasury, shall, if received from a Civil Court Officer, be returned to the court, but if received from the decree-holder, it shall be paid to him on his applying for it within three months.

(2) The articles of clothing and bedding, supplied to a civil prisoner at the expense

of the decree-holder, shall be taken back from the prisoner at the time of his release and returned to the decree-holder. If such articles remain unclaimed for two months, they shall be sold and their sale-proceeds credited to the Government Treasury.

19.18. The question of labour.-(1) No civil prisoner shall be compelled to labour. The civil prisoners may, with the permission of officer in charge of prison, attend any vocational training programme and may be eligible for prescribed remuneration or reward for the same.

(2) Save as provided in sub-rule (1) and the provisions contained in the Prisons Act, 1894, every civil prisoner shall, in regard to discipline, subject to all rules providing for the discipline of undertrial prisoners.

19.19. Employment of Civil Prisoner.-(1) The civil prisoners may, with the permission of the officer in charge of prison, work and follow any trade or profession.

(2) The books shall be allowed to literate civil prisoners both from the prison libraries and from outside, if they desire to purchase them, with the permission of the officer in charge of prison.

19.20. Extracts of Code of Civil Procedure.-Extracts of the Code of Civil Procedure, containing the provisions relating to insolvency, shall be posted in the civil prison, and civil prisoners shall be allowed to make the necessary application under the Code, as they so desire, be declared insolvents.

CHAPTER 20**HIGH RISK PRISONERS**

- 20.01. High risk prisoners to be lodged in high security wards.** –High risk prisoners classified under categories S1-(Red),S2-(Blue) andS3-(Orange), as specified in rule 20.02, shall be lodged in separate enclosures demarcated as high security enclosures within the existing prisons. If required, separate high security prisons may also be constructed. As far as practicable, categorized high risk prisoners shall not be kept with other under trial prisoners and convict prisoners.
- 20.02. Classification of High-riskprisoners.**–High risk prisoners shall be classified into following categoriesby the Officer in charge of Prison to determine the level of security for effective surveillance, safe custody and prevention of escapes, namely:-
- (i) **S1-(Red):** Categorized serious organized crime criminals, major drug traffickers and smugglers, violent or religious fundamentalists, naxalites, extremists and terrorists, hired assassins, prisoners involved in serious crime(s) inside prison or any other individual characteristics of prisoner warranting confinement in Security Zone Grade 1.
 - (ii) **S2-(Blue):** Contract killers, dacoits, serial killers, criminals involved in violent rape incidents or violent robberies, communal fanatics, prisoners prone to escape from prison or involved in organized contraband smuggling inside prison, offenders involved in attack on police or prison personnel, prisoners prone to self-harm, prisoners posing a threat to public order inside prison or any other individual characteristic warranting confinement in Security Zone Grade 2.
 - (iii) **S3- (Orange):** Prisoners who have threat to limb or life from other prisoners, political prisoners, police officers or any other prisoner facing specific identifiable threat warranting confinement in Security Zone Grade 2.
 - (iv) The above categorization shall be done on the basis of the inputs provided by the police or intelligence agencies at the time of admission tempered with the assessment carried out by the officer in charge of the prison concerning the criminal history and present or past behaviour of the inmate in prison.
 - (v) A standard operating procedure shall be issued by the Head of Department, Prisons and Correctional Services delineating the process to be followed for categorization of prisoners in different security categories. The standard operating procedure shall be drafted in consultation with the police department and other central agencies as deemed fit.

20.03. Building Structure.-(1) The high security enclosures may have an independent outer masonry or RCC wall at least twelve feet in height, with its own watch towers wherever feasible and essential. The enclosures may be provided with anti-tunnelling slabs and spaces open to the sky, covered with iron grills or wire mesh. These enclosures shall have special security infrastructure for access control, frisking and perimeter security. These enclosures shall be classified as Security Zone Grade I and Security Zone Grade II.

(2) The high security prisons shall be special prisons only for high risk prisoners of any security category. Such prisons shall generally have only cell-type accommodation, except for a few barracks for providing accommodation to prisoners involved in administrative functions or duties in the prison. Apart from high outer and inner perimeter walls, such prisons shall have special security infrastructure for surveillance, anti-tunnelling, body scanning or frisking, incident response and officer safety. The outer and inner perimeter walls may have live-wire fencing, whereas the walls separating the blocks may have live-wire or concertina fencing over them.

20.04. Security Zone Grade I.-(1) The Security Zone Grade I shall have a cellular type of accommodation with a minimum space of 10' x 9' for each cell with its own toilet and bath, and a strong dividing wall between cells. Front portion of cells shall be of iron grill, and the flooring shall be preferably of RCC slab. High ventilators may be provided instead of windows. The building may have a separate entry lobby.

(2) There shall be a protected yard provided where prisoners accommodated in this enclosure shall be allowed during lock-out period. Such enclosures shall be covered with suitable iron or wire mesh grills as heightened security measure, and for maintaining integrity of security measures. S1-(Red) category prisoners may be lodged in Security Zone Grade I.

(3) Ordinarily only one prisoner per cell shall be accommodated in Security Zone Grade I. However, to respond to an emergent situation, the officer in charge of the prison, as per local security assessment, may accommodate higher no. of prisoners in a cell (not more than three) and shall seek ex-post facto approval of the head of department at the earliest, not later than three days in any case.

(4) The Head of Department may declare any cellular block in a prison as Security Zone Grade I as per requirement.

(5) In case of exigencies and in order to maintain discipline in prisons, the officers in charge of the prison with specific prior approval of the Head of Department can restrict the lock-out periods of prisoners confined in Security Zone Grade I.

20.05. Security Zone Grade II.-(1) The Security Zone Grade II shall have single room accommodation (cellular type). This accommodation can be of 16' x 9' size where up to three prisoners can be lodged at a time. It shall also have an inbuilt toilet and bath. Security Zone Grade II shall also have a separate entry lobby and a space open to the sky, which shall be covered with iron grills. S2-(Blue) category prisoners may be lodged in Security Zone Grade II.

(2) The number of prisoners to be accommodated in each cell of Security Zone(s) Grade II shall be as per the guidelines issued by the head of department from time to time. However, to respond to any emergent situation, the officer in charge of prison may decide on this aspect as per local security assessment, and shall seek ex-post facto approval of the head of department at the earliest, not later than three days in any case.

(3) The Security Zone Grade II, as per requirement, may also have protected yards attached to them, where prisoners can be released during lock-out.

(4) In case of exigencies and in order to maintain discipline in prisons, the officers in charge of the prison with specific prior approval of the Head of Department can restrict the lock-out periods of prisoners confined in Security Zone Grade II.

(5) S3-(Orange) category prisoners may be confined in the cells or any other barrack having a separate enclosure with sufficiently high perimeter walls, separate entry or exit gate and controlled access. The officer in charge of prison shall implement all necessary measures and precautions towards safety and security of such prisoners. If required, extra guarding staff may be deployed. The movement of such prisoners outside the cells shall be regulated as per security requirements.

(6) The Deputy Inspector General of the concerned circle on a recommendation of the officer in charge of prison, may declare any cellular block as Security Zone Grade II, except those already declared Security Zone Grade I.

20.06. High Security Zones to be equipped with modern security equipment.-

(1) Security Zone Grade I and Security Zone Grade II shall together be referred as High Security Zones.

(2) All High Security Zones, especially Security Zone Grade I, shall be equipped with wireless sets, alarm system with a dedicated power backup for twenty-four hours, hand-held and doorframe metal detectors, video-conferencing facilities, closed circuit television cameras, X-ray baggage machines, body scanners and any other modern electronic security devices which may be deemed necessary for ensuring safety and security of high risk prisoners.

(3) Every ward or cell and the interview room earmarked for high risk prisoners

may be fitted with closed circuit television cameras with audio recording facility, as far as possible.

(4) Where ever possible, a dedicated video conferencing room may be built within the high security complex itself, having linkage with the courts to enable production of the under-trial prisoners in courts through video-conferencing.

(5) Where ever possible, a guard room may be built at the entry of high security zones to keep an eye on the movement of the prisoners lodged therein.

(6) Separate watch towers may also be constructed for keeping watch over the high security zones.

20.07. Deputy Superintendent in charge of High Security Zones.-The Deputy Superintendent (Security) shall be the in charge of all the security arrangements in the high security zones and shall be responsible for the effective implementation of all relevant rules and instructions issued from time to time for the management of such zones. In prisons not having sanctioned post of Deputy Superintendent (Security), the Deputy Superintendent (Administration) shall be in charge of all security arrangements of High Security Zones.

20.08. Security and upkeep of High Security Zones.-(1) Sufficient number of guards as per requirement shall always be deployed in and around the high security zones for security and watch and ward duty.

(2) Prisoners of the high security zones shall themselves be responsible for cleanliness of all the infrastructure and facilities of these zones, including cell or wards or barrack and bath or toilets therein.

(3) The high security wards for separate confinement may have a common protected yard in which the prisoners of high security zones may be allowed to do exercise in the mornings and evenings. Lockout period of prisoners confined in high security zones shall be so managed to ensure that they can consume at least one meal of the day in company of other prisoners. The number of prisoners who are allowed to use the protected enclosure at a time shall be decided by the officer in charge of prison under overall guidelines issued by the Head of Department.

(4) The period of lock-out for an occupant of Security Zone Grade I and Security Zone Grade II shall be as per specific orders of the Head of Department issued from time to time. The Head of Department may limit the total period of lock-out as per security assessment and inputs received from other law enforcement and intelligence agencies.

(5) The protected yards where the prisoner has to be let out during lock-out shall be covered with iron grills or wire mesh and the flooring within open spaces

shall be of Reinforced Cement Concrete (RCC) slabs.

(6) The locking and opening shall be conducted in the presence of the officer in charge and no barrack or cell shall be opened during night hours except in the presence of the in charge night officer not below the rank of Assistant Superintendent. The Deputy Superintendent (Security) shall be informed immediately if any cell or ward is opened at night due to unavoidable reasons.

20.09. Search of prisoners put to High Security Zones.-(1) Every prisoner shall, before being admitted to a High Security Zone, be searched physically or manually, and with the help of suitable security equipment, and all articles likely to aid escape or suicide shall be taken from him. The ward or cell in which the prisoner is intended to be placed shall also be searched.

(2) All wards and prisoners confined in High Security Zones shall be carefully searched at lock-up time each day and, as may be necessary.

(3) All material entering the High Security Zones shall be screened through X-ray baggage machine or any other means as deemed necessary.

(4) Sudden search at any hour of the day or night shall be conducted under the supervision of Deputy Superintendent (Security) in the High Security Zones.

20.10. Ticket showing particulars of the prisoner to be posted on the exterior of the ward.-Whenever a cell or ward in a high security zone is occupied by any prisoner, a ticket showing information of the prisoner confined therein shall be posted on the exterior of the ward. The date of admission may be mentioned alongwith personal particulars.

20.11. Strict watch to be kept over prisoners during the day and night.-During the day and night, the officer on duty shall always remain within hearing of every prisoner confined in a cell or ward to ascertain and attend to his lawful requirements. A strict watch shall be kept over all such prisoners to prevent them from committing any act which is prohibited.

20.12. Keys of the high security ward to be kept in safe custody.-The officer on duty during the day shall have custody of the keys of cells or wards of high security zone from the time of lockout till lockup. During night, on completion of the lock-up, the keys of high security zone shall be collected and counted in the presence of the Deputy Superintendent (Administration), who shall note the number in the lock-up register. He shall then lock the keys into the key box provided for the purpose in the deori and make over the key of such key box to the patrolling officer of the first watch. Each patrolling officer shall in turn make over the key to his successor and the officer of the last watch shall deliver it to the Deputy Superintendent on his entering the prison in the morning.

NOTE: The 'Patrolling Officer' means any officer not below the rank of Assistant Superintendent.

- 20.13. Attempt at suicide by any prisoner.**-In the case of an attempt at suicide by any prisoner confined in the high security zone, the cell must be opened at once. In such a case, the Superintendent, the Deputy Superintendent (Administration) and the Deputy Superintendent (Security) shall be informed at once by the Patrolling Officer.
- 20.14. Visit to the high security ward by prison officers.**-(1) Every prisoner occupying a cell or ward shall be visited by the head warder on duty or the Patrolling Officer at least once every four hours during the day and night. The duty officer, at the time of relieving guard, shall visit each ward and satisfy themselves that all the prisoners are present and are safely lodged.
- (2) Each cell or ward of a high security zone shall be visited and checked at least once a day by the Deputy Superintendent (Security) and by the Deputy Superintendent (Administration) where the Deputy Superintendent (Security) is not posted.
- 20.15. Multiple monitoring during night.**-As far as practicable, a multi-tier security grid shall be placed for security of high security zones at night. For effective monitoring of high security zones during night, first tier shall comprise of warders guarding the block; second tier shall be supervision by the Tower Officer; third tier shall be visit of the patrolling officer; fourth tier shall be visit of the Duty Officer, and fifth tier shall be surprise visits during the night, by the Deputy Superintendent (Security), the Deputy Superintendent (Administration), or the officer in charge of prison. Overall security of the high security zones shall, at all times, be monitored by officer on duty at the control room of the prison.
- 20.16. Facilities or restrictions for High risk prisoners.**-Subject to prison security and discipline, as far as possible, the high risk prisoners shall enjoy normal facilities admissible to the under trial criminal prisoners or convicts. However, the following special security arrangements shall apply to prisoners in high security zones, namely:-
- (i) Interviews of high risk prisoners may be held in the presence of an officer in the interview room having Closed Circuit Television camera coverage with audio recording facility except where the communication falls in the category of privileged communication. Interviews may be allowed with only blood relations and authorized lawyers. All letters relating to high risk prisoners shall be properly screened.
 - (ii) The prisoners, whether convicts or undertrials, confined in high security

zones shall not be allowed to cook any food. The cooked food from convict cook house shall be carried to high security zones by cooks or their attendants under the superintendence of a prison officer.

- (iii) For the purpose of cleanliness, cleaners may enter the wards when necessary under the superintendence of a prison officer. In general, the prisoners of the high security zones shall be responsible for cleanliness of the whole block and their cells or wards.
- (iv) Restricted canteen facility shall be provided to high risk prisoners. As far as possible, canteen items shall be delivered at the high security zones itself. As no cooking is allowed in high security zones, no raw food grains, vegetables or condiments which cannot be consumed in raw form shall be allowed in these zones.
- (v) Regular physical exercise and yoga may be allowed within the protected yard or open area, as the case may be.
- (vi) The high security convicts who are undergoing rigorous imprisonment, shall do all sort of work assigned to them inside the security complex itself.
- (vii) The type and quantity of articles of personal effect including clothing articles that prisoners in high security zones, whether convicts or undertrials, can keep in possession shall be such as may be specified by the Head of Department through a standing order.
- (viii) No prisoner shall be allowed to change his barrack or cell without the permission of the officer in charge of prison.
- (ix) The gates of enclosures shall always be kept locked during day time and prisoners shall not be allowed to go out of the enclosure except for valid reasons. Any prisoner going out shall be accompanied at least by one official who is on duty.
- (x) Locks used for the high security wards shall be interchanged after three months, or as necessary as may be.
- (xi) The prisoners, confined in high security zones, whether convicts or undertrials may be prescribed to wear clothes or uniform provided by the prison authorities. Design and colour of such uniforms of convicts and undertrials shall be such, as may be specified by the Head of Department through a standing order.

20.17. Checking of security gadgets.-The incharge Assistant Superintendent of the high security zone shall daily check, during lock-out and lock-in, that all the security gadgets installed at the high security zones are in working condition. If any gadget

is in non-working condition, he shall inform the Deputy Superintendent (Security) and necessary measures shall be under taken to rectify the error without any delay.

- 20.18. Sickness in ward.**-In case of sickness, immediate notice shall be given by the officer on duty in the high security zone concerned to the control room and chakkar on wireless set, intercom or any other means of communication available. The guard deployed in control room shall at once report to the in charge Assistant Superintendent and the Medical Officer. In charge Assistant Superintendent shall immediately visit the ward on receiving the information and after inspection, inform the Deputy Superintendent about the circumstances. Simultaneously, the Medical Officer shall visit the high security zone for check-up and treatment, and if necessary, on the recommendation of the Medical Officer, the prisoner may be moved to prison hospital for better management. If the high risk prisoner is shifted to prison hospital, the officer in charge of prison shall immediately be informed. The Deputy Superintendent (Security) shall make special security arrangements in and around the hospital till the time high risk prisoner is kept there.
- 20.19. Punishment in case of breach of discipline and security of prison.**-All high risk prisoners may be punished in case of breach of discipline and security of prison by the officer in charge of prison. If he commits frequent breaches, the officer-in-charge of prison may recommend his shifting to any other prison to the Head of Department. The facilities like interviews and letters can be withdrawn for a limited time, or forever, by the Head of Department on the recommendation of the officer-in-charge of prison.
- 20.20. Periodical shifting of high risk prisoners within the State.**-The high risk prisoners shall be shifted from one high security zone to another periodically to break any nexus or prevent groups from being formed inside prisons. They may normally be shifted from one prison to another after every six months, or as decided by the Head of Department to ensure safety and security of prison or to break any nexus that might develop between them.
- 20.21. Shifting of High risk prisoners out of State.**-If any high risk prisoner commits frequent breaches of prison rules, the Head of Department with the approval of the Government, shall consider shifting such prisoner to the prisons of other States within India.
- 20.22. Saving.**-Provisions contained in this chapter are specific to high risk prisoners of security category 1, 2 and 3 confined in security zones grade 1 and grade 2. Provisions contained in this chapter shall prevail notwithstanding any provision to the contrary, or at variance, in any other chapter of these Rules.

CHAPTER 21**FEMALE PRISONERS AND CHILDREN**

- 21.01. Establishment of Women Prisons.**—(1) There shall be such number of separate prisons for female prisoners as the Government may decide from time to time. All convict female prisoners shall normally be transferred to such Women Prisons, if under sentence for a term of four months or above.
- (2) Whenever any building or any part of prison premises is declared as a woman ward or enclosure, then female prisoners may be shifted there, keeping in view the capacity of that women ward or enclosure.
- 21.02. Disposal of female convicts not provided for in the preceding rule.**—(1) Every female prisoner, who is not liable to be transferred under the provisions of the preceding rules, shall ordinarily be detained in the prison to which she is, in the first instance, committed, provided that such prison possesses suitable and adequate accommodation for the purpose and subject to the limits thereof.
- (2) When the number of female prisoner confined in any prison is in excess of the accommodation available for such convicts in the prison, the number of such convicts in excess of such accommodation shall, without regard to the length of the term of the sentences to be undergone by them, ordinarily be transferred to any other prison with a separate Women Ward or Enclosure, or to any prison designated as a Women Prison.
- 21.03. Facilities in Women Ward.**—(1) The enclosures for female prisoners shall have all the requisite facilities with reference to their special needs such as segregation, security, pregnancy, family care and health care.
- (2) The work and treatment programmes for female prisoners shall be devised giving due consideration to their special needs. A female prisoner shall be granted equal access to work, vocational training and education as that of male prisoners.
- 21.04. Classification and Separation.**—Every female prisoners shall be classified and kept separately, namely:—
- (i) under-trial prisoners shall, as far as possible, be kept completely separated from convict prisoners, even when their number is small;
 - (ii) habitual offenders shall be kept separate from casual prisoners;
 - (iii) prisoners involved in human trafficking shall be confined separately;
 - (iv) young offenders shall, as far as possible, be kept in separate enclosures, and shall be given treatment and training suited to their special needs for rehabilitation;
 - (v) civil prisoners and detenues, including those under preventive detention shall,

as far as possible, confined separately; and

(vi) No classification of prisoners shall be allowed on grounds of socio-economic status, caste, class, religion, race, ethnicity or place of birth.

21.05. Training of staff for gender-sensitivity.—(1) All staff assigned to work with female prisoners shall receive training related to gender-specific needs and human rights of women including sexual misconduct and discrimination. Such staff shall also be sensitized regarding situations and instances where a woman inmate may feel particularly distressed, so as to be sensitive to their situation and ensure that women are provided appropriate support.

(2) Wherever children are allowed to stay with their mothers in prison, sensitization on child development and basic training on health care of children shall, as far as possible, also be provided to prison staff, in order to prepare them to respond appropriately in times of exigencies.

21.06. When a female prisoner is the only occupant of ward.—If there is only one female prisoner in the prison Ward or Enclosure, arrangements shall be made for a matron to remain with her for both day and night. If she is a convict not eligible for transfer under rule 21.01, the officer in charge of prison shall, if he is of the opinion that her detention in prison is inexpedient, take the orders of the Deputy Inspector General, Prisons and Correctional Services (Circle) for transferring her to other prison or ward or enclosure.

21.07. Interview of female prisoners with relatives confined in the same prison.—In case close relatives of a woman are detained in the same prison, interview of both shall be facilitated once in a week by the Deputy Superintendent (Administration) in deori, or in any other designated place inside the prison in the presence of the Deputy Superintendent (Security) or Assistant Superintendent.

21.08. Birth in custody to be registered.— The birth of a child take place in custody shall be registered at the local birth registration office. The fact that the child has born in prison shall not be recorded as the place of birth. Only the address of the locality shall be mentioned. As far as circumstances permit, the Deputy Superintendent (Administration) shall ensure that the child is born in district hospital, and all the facilities for performing naming rites of the child are extended to the mother.

21.09. Children of female prisoners.—(1) A child up to the age of six years shall be allowed to remain with his mother, if no other arrangements for keeping the child with relatives or otherwise, could be made. The child above six years of age shall be handed over to any close relative chosen by the woman, or placed in a 'Child Care Institution' registered under the provisions of the Juvenile Justice (Care and

Protection of Children) Act, 2015 on the orders of the Child Welfare Committee. Such children shall be kept in 'Child Care Institution' until their mothers are released, or till such time the children attain the age of eighteen years. For the purpose of determination of age of children, the procedure specified under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 shall be followed.

(2) If a female prisoner dies, leaving behind a child under the age of six years, the officer in charge of prison or any other officer duly authorized shall, as soon as practicable produce the child before the Child Welfare Committee of the District concerned, for taking cognizance to ensure appropriate rehabilitation of children in need of care and protection.

21.10. Medical care of female prisoners and children.—(1) As far as possible, a female Medical Officer shall look after the medical care of female prisoners during their stay in prison. A female Medical Officer shall be deputed by the civil surgeon to visit the prison twice a week and check the health of female prisoners, prescribe medication and submit a report to the officer in charge of prison and the Deputy Superintendent (Administration). In the absence of a female Medical Officer, a male prison Medical Officer shall look after sick female prisoners in the presence of a female prison officer or female paramedic or nurse.

(2) As far as practicable, modern equipment for X-ray, Electro cardiogram, ultrasound and sonography shall be made available.

(3) In addition to the details required to be recorded after health screening in accordance with the rules, the health screening of female prisoners shall also include a comprehensive screening to determine primary health care needs, and to determine:

- (i) presence of sexually transmitted diseases or blood-borne diseases and depending on risk factors, female prisoners may also be offered testing for Human Immunodeficiency Virus, with pre and post-test counselling;
 - (ii) mental health care needs, including post-traumatic stress disorder, risk of suicide and self-harm;
 - (iii) reproductive health history of the female prisoner, including current or recent pregnancies, childbirth and/or any other related issues;
 - (iv) existence of drug dependency; and
 - (v) sexual abuse and other forms of violence that the prisoner may have suffered prior to her admission.
- (4) The female prisoners suffering from psychosomatic and psychological

disorders, victims of sexual abuse and those having mental health issues shall receive proper counseling and medical treatment.

(5) The right of female prisoners to medical confidentiality, including specifically the right not to share information and not to undergo screening in relation to their reproductive health history, shall be respected at all times.

(6) The female prisoners shall receive education and information about preventive health-care measures, including on Human Immunodeficiency Virus, sexually transmitted diseases and other blood-borne diseases, as well as gender-specific health conditions.

(7) The children shall be periodically examined by a Medical Officer to monitor their physical growth and shall also be vaccinated for various diseases at appropriate time. Extra clothing and diet may also be provided to such children on written recommendations of the Medical Officer.

(8) When a female prisoner is found or suspected to be pregnant at the time of admission or later, the Medical Officer shall report the same to officer in charge of prison. Arrangements shall be made to get her medical examination at the earliest, at the female wing of the district government hospital for ascertaining the state of her health, pregnancy, duration of pregnancy and probable date of delivery. After ascertaining all necessary particulars, a detailed report shall be submitted to the Deputy Inspector General, Prisons and Correctional Services (Circle).

(9) The interim bail application of such prisoners shall be moved by the officer in charge of prison before the time of delivery. The prisoners who are not bailed out shall be provided with proper pre-natal and post-natal care by the prison administration as per the advice of a qualified medical officer.

(10) The adequate and nutritious diet must be provided to pregnant women, nursing mothers, babies and children of female prisoners.

21.11. Creche services for children of female prisoners.—There shall be a creche run by the prison administration to look after the children of female prisoners. The crèche shall be well equipped with all the facilities required for physical and mental development of the children such as books, cribs, mosquito nets, toys, walkers, etc. The children between three and six years of age shall be looked after in the nursery school, wherein all facilities shall be provided for imparting primary education to such children. The officer in charge of prison shall facilitate admission of eligible children (staying with the female inmates of the prison) to nursery schools as per requirement.

21.12. Recreational visit of children outside the prison.—The officer in charge of

prison, along with an Assistant Superintendent, designated as Welfare Officer, shall design programmes for recreational visits of the children of female inmates outside the prison on regular intervals with consent of their mothers.

- 21.13. Conditions under which male officers may enter female enclosure.**—(1) A male officer of the prison may enter the enclosure occupied by female prisoners, only if he has a duty to attend therein and is accompanied by a matron into every part of the ward or enclosure. No male officer shall enter any female enclosure at night, except to respond during an emergency, and as far as practicable, be accompanied by a female officer. He shall thereafter record a clear report of his visit with the reasons for such visit, and the hour thereof, in the report book. The warders acting as escorts to visitors or officials shall remain outside the enclosure.
- (2) The female prisoners shall be searched by a matron.
- 21.14. Females to remain in the female enclosure.**—No female prisoner shall on any pretext, other than confined under lawful authority, leave or be removed from the female enclosure of the prison except for release, transfer or attendance in court or under the order of the officer in charge of a prison for other legitimate purposes.
- 21.15. Supply of food to and conservancy of the female enclosure.**—As far as practicable, there shall be a separate kitchen for female prisoners. In the absence of a separate kitchen, cooked food shall be brought to the female enclosure by a convict-cook accompanied by a warder and placed outside the enclosure gate and it shall be taken inside by a matron or a female prisoner.
- 21.16. Keys and locks of the female enclosure.**— The following are the measures to be followed for security of the female enclosures namely:—
- (i) locks of enclosure and barracks where female prisoners are confined shall be different from those in use in other parts of the prisons, so that there is no possibility of keys of locks of other enclosures being misused for opening enclosures for female prisoners;
 - (ii) suitable measures shall be taken (including the provision of alarm bells) to ensure minimum delay in opening barracks in case of an emergency;
 - (iii) keys of locks of female enclosure shall (other than the outer lock of the main entrance) be kept in possession of the head matron or matron;
 - (iv) before leaving the female enclosure, the head matron or matron shall lock all the prisoners into their sleeping wards or workshops and having done so, shall lock the door of the main entrance and hand over the keys to the Deputy Superintendent (Administration); and
 - (v) when the head matron or matron leaves the ward, the main entrance door

shall be locked from the outside by double locks. The head matron shall hand over the keys to the Deputy Superintendent (Administration) along with other keys. The other key shall remain in the custody of the Head Warder on duty during the day and at the main gate during the night.

- 21.17. Certain ornaments to be allowed to female prisoner.**—The female prisoners shall be allowed to retain, in moderation, certain ornaments of small value such as mangal sutras, bangles and toe rings. The officer in charge of prison may, however, at his discretion, refuse to allow retention of these ornaments in any particular case for disciplinary or security reasons.
- 21.18. Education.**—As far as practicable, every female prisoner shall be offered a suitable educational programme during her stay in prison to improve her employment prospects. Every prison shall organize educational and family welfare programmes, along with training in various skills for making women self-reliant. For interested prisoners, appropriate facilities for formal and advanced education shall be provided.
- 21.19. Recreational and cultural programmes.**—The recreational programmes shall be organized for female prisoners which may include simple outdoor games, bhajans, music, folk dance, drama, TV, radio and film shows. The female prisoners shall be provided facilities for meditation and yoga for stress management and for improving their mental and physical health.
- 21.20. Vocational Training.**—The vocational training courses shall be designed to suit the needs of prisoners sentenced to short, medium and long-term imprisonment. As far as possible, female prisoners shall be imparted training suited to their aptitude and background, making them economically self-reliant. The selection of vocational programmes shall be made in accordance with the marketability and profitability of the product and enhancing the prisoners' ability to earn their livelihood after release.
- 21.21. Inquiry into complaints of Sexual Harassment and other complaints.**—(1) Any complaint of sexual harassment by a female prisoner shall be dealt by an Internal Committee constituted under the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the rules framed there under.
- (2) During weekly parades, every female prisoner shall have an opportunity to present requests or complaints to the officer in charge of prison who shall promptly deal with such complaints or requests.
- 21.22. Application of Punjab Prison Rules.**—All the provisions of these rules, when not at variance with the provisions of this chapter, shall apply to all female prisoners.

CHAPTER 22**MENTALLY-ILL PRISONERS**

22.01. Classes of Mentally-ill Prisoners.—The expression “Mentally-ill Prisoners” shall be deemed to include persons of the following classes, namely:—

- (i) a person who is charged with an offence in respect of whose soundness of mind, the Magistrate trying the case entertains doubt, and the prisoner is put under medical observation;
- (ii) a person who is charged with an offence, but who, by reason of unsoundness of mind, is incapable of making a defence and who is, in consequence, detained under section 330 of the Code of Criminal Procedure, 1973 pending the orders of the Government;
- (iii) a person who has been held to have committed an act which would, but for the unsoundness of mind of the doer, have constituted an offence, but who has been acquitted on the ground that he was of unsound mind when the act was committed and is detained under section 335 of the Code of Criminal Procedure, 1973 pending the orders of the Government; and
- (iv) a convict or under-trial who becomes mentally ill after his admission into prison.

NOTE: Non-criminal mentally-ill persons shall not be admitted in prisons.

22.02. Procedure when certain mentally-ill prisoners are committed to prison.—Whenever a person with mental illness is detained in a prison under sections 330 or 335 of the Code of Criminal Procedure, 1973, the officer in charge of prison shall apply to the District Mental Health Review Board for an order for the prisoner’s removal to a Mental Health Establishment in anticipation of receipt of orders from the Government.

22.03. Confinement of mentally-ill prisoners.—(1)The officer in charge of prison shall make suitable arrangements for keeping mentally-ill prisoners under continuous supervision and watch.

(2) On the advice of the Medical Officer, all prisoners with mental illness shall be transferred to a Mental Health Establishment, having all the facilities specified under the Mental Healthcare Act, 2017 and the rules framed thereunder. In the meantime, the prisoner shall be transferred to the Psychiatric Ward of prison. In the absence of Psychiatric Ward in prison, suitable arrangements shall be made for treatment of the prisoner in prison hospital.

22.04. Report of a prisoner showing signs of mental illness.—(1) In the event of a prisoner showing signs of mental illness, which, in the opinion of the Medical

Officer, are not feigned, he shall be referred to the Civil Surgeon for further examination.

(2) If any prisoner is declared mentally ill, a report regarding his case shall be submitted to the Head of Department with a view to obtain orders of Government or the District Mental Health Review Board, as the case may be, for his removal to a Mental Health Establishment. With this report, the following shall be forwarded:

- (i) A descriptive roll of the prisoner; and
- (ii) Medical Certificate from Civil Surgeon.

22.05. Transfer of a mentally-ill prisoner to Mental Health Establishment.—(1) On receipt of an order from the Government or the District Mental Health Review Board for removal of the mentally-ill prisoner to a Mental Health Establishment, the officer in charge of prison shall transfer the prisoner to the Mental Health Establishment, along with following documents, namely:-

- (i) a copy of the Government or District Mental Health Review Board order directing his transfer;
- (ii) a descriptive-roll of the prisoner;
- (iii) copy of a medical certificate from Civil Surgeon;
- (iv) history ticket and private property, if any and addresses of prisoner's relatives and friends;
- (v) warrant of imprisonment if a convict indicating term of sentence, date of admission to the prison and due date of release of the prisoner;
- (vi) remission, if any, earned while in prison;
- (vii) a copy of the court's judgment in his case (if a convict); and
- (viii) details of under-trial cases.

NOTE 1: Photocopies of all the above documents shall be retained in the prison record.

NOTE 2: If the court's judgment does not contain full particulars of the offence committed, a copy of Police report on the arrest, or that of the Police roznamcha, shall accompany the mentally-ill prisoner.

(2) The officer in charge of prison, while sending such a prisoner to a Mental Health Establishment for treatment or observation, shall send requisition for special Police guard to escort such prisoner to the Mental Health Establishment.

(3) The information regarding transfer of a mentally-ill prisoner shall be sent to the court concerned, local police and family of the prisoner.

(4) Suitable precautionary measures shall be taken to secure that the mentally-ill prisoner is properly cared for whilst in transit to the Mental Health Establishment. Proper arrangements shall be made regarding his property, clothing and food as specified in the rules related to transfer of prisoners. Instruments of restraint shall not be used unless absolutely necessary.

NOTE: All Government property accompanying a mentally-ill prisoner on transfer to a Mental Health Establishment shall be returned to the dispatching prison.

22.06. Transfer of female mentally-ill prisoners.-A female mentally-ill prisoner when transferred from a prison to a Mental Health Establishment or from a Mental Health Establishment to a prison or forwarded for release to the custody of her relatives or friends, shall invariably be accompanied by a female officer.

22.07. Conditions before a transfer can be made.-No criminal mentally-ill prisoner shall be transferred from a prison to a Mental Health Establishment:-

- (i) unless the Medical Officer certifies, immediately before his dispatch that he is physically fit to undertake the journey; and
- (ii) unless it has first been ascertained that the Superintendent of the Mental Health Establishment where the prisoner is being transferred, is prepared to receive him.

NOTE: While certifying to the fitness for transfer of any mentally-ill prisoner, the Medical Officer shall carefully examine the existence of any disability or injury marks exhibited by such prisoner.

22.08. Transfer in anticipation in urgent cases.-In urgent cases (i.e. if the mentally-ill prisoner is dangerous, noisy or filthy in his habits), the officer in charge of prison may, with the previous consent of the Superintendent of the Mental Health Establishment, transfer the prisoner to the Mental Health Establishment in anticipation of the Government or the District Mental Health Review Board sanction. In such cases, documents required under rule 22.05 shall be forwarded along with the prisoner, with the exception of transfer order, which shall follow immediately after the same is received.

22.09. Medical Officer to be present when mentally-ill prisoner is made over to police escort.-(1) The Medical Officer shall invariably be present when a mentally ill prisoner is handed over by the Deputy Superintendent (Administration) to the police escort.

(2) The Medical Officer shall acquaint the officer in command of the escort with the exact mental and physical condition of such prisoner and shall bring to

his notice such disability or injury marks as may exist and shall ask him to satisfy himself that the condition of the prisoner is as stated.

(3) The Deputy Superintendent (Administration) shall note in his journal, the facts of the above rule having been complied with.

22.10. Diet of mentally-ill prisoners.—Every mentally-ill prisoner shall receive ordinary prison diet unless the Medical Officer directs otherwise.

22.11. Time spent in Mental Health Establishment to count as sentence.—(1) When any convicted criminal mentally-ill prisoner regains sound mind, and an order is issued by the Government for his return to prison, the time during which he was detained in the Mental Health Establishment shall be reckoned as sentence undergone.

(2) In case a convicted prisoner completes his sentence while undergoing treatment in a Mental Health Establishment, the Medical Superintendent of the Mental Health Establishment shall inform the officer in charge of the concerned prison, who shall in turn initiate the process of release in accordance with law.

22.12. Return of mentally-ill prisoners to prison.—(1) Such prisoners shall be returned to the prison as and when they are cured if their sentence is not complete and they are not due for release, or if they are required to face trial.

(2) The Superintendent of the Mental Health Establishment shall forward to officer in charge of prison a copy of the mentally-ill prisoner's medical history sheet, together with an extract from the case book and a statement showing the manner in which the mentally-ill prisoner has been employed in the Mental Health Establishment till the time of his transfer.

NOTE: A recovered criminal mentally-ill prisoners shall in the first instance, be transferred to the prison of the district in which the Mental Health Establishment is situated, but shall ordinarily be removed later to the prison nearest to his home.

22.13. Procedure when a recovered mentally-ill prisoner suffers a relapse.—(1) When a recovered mentally-ill prisoner suffers a relapse, he shall be immediately returned to the Mental Health Establishment from which he was discharged, in anticipation of the orders of the Government or the District Mental Health Review Board. In such a case, the documents required under rule 22.05 shall be forwarded with him and the transfer order shall follow immediately after it has been received.

(2) The officer in charge of prison shall forthwith apply, through the Head of Department, for confirmation of his action by the Government or the District Mental Health Review Board, submitting at the same time the documents required under rule 22.04.

- 22.14. Treatment of mentally-ill prisoner returned to prison.**-When a recovered mentally ill prisoner is returned to a prison, he shall be employed with such an amount of liberty as the Medical Officer may consider safe.
- 22.15. Report of mentally-ill prisoners.**-(1) The officer in charge of prison shall, on the 10th of January and 10th of July each year, forward a report of the prisoners suffering from mental illness to the Head of Department.
- NOTE:** When no such prisoner is confined in the prison, a blank return shall be submitted.
- (2) The Medical Officers of all prisons shall send a quarterly report to the concerned District Mental Health Review Boards regarding the status of prisoners with mental illness as specified under the provisions of Mental Healthcare Act, 2017 and the rules framed thereunder.
- 22.16. Discipline and punishment of mentally-ill prisoner.**-A mentally-ill prisoner cannot be punished for any act committed by him, but such restraints can be imposed which are necessary to prevent him from injuring himself or others or cause inconvenience.

CHAPTER 23

PRISONER CONDEMNED TO DEATH

23.01. Prisoners under sentence of Death.—(1) Every prisoner under sentence of death shall be treated in the following manner, namely:—

- (i) when any person is sentenced to death by a Court of Session, the sentence shall not be executed unless it is confirmed by the High Court;
- (ii) when the sentence has been confirmed by the High Court, the Court of Session shall issue a warrant to the officer in charge of prison in which the prisoner is confined to cause the sentence to be carried into effect;
- (iii) if the condemned prisoner has been, or shall be transferred to another prison, the officer in charge of prison to whom the original warrant of commitment was addressed, shall return the warrant to the Sessions Judge, intimating him at the same time, the prison to which the prisoner has been transferred;
- (iv) the Sessions Judge shall issue a revised warrant for execution of sentence of death to the officer in charge of prison in which the condemned prisoner is confined.

(2) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched under the supervision of the Deputy Superintendent (Administration), and all articles shall be taken from him, which the Deputy Superintendent (Administration) deems dangerous or inexpedient to leave in his possession. Every such prisoner shall be confined in a cell apart from all other prisoners and shall be confined by day and night under the charge of a guard.

(3) Every prisoner sentenced to death, whose appeal against conviction and sentence is pending or who has not exhausted all the remedies available to him under any law such as mercy petition, review petition or a curative petition, shall be confined with other prisoners.

(4) A prisoner under sentence of death shall be kept in prison like other prisoners sentenced with rigorous imprisonment till the expiry of every stage of appeal, however, they shall not be engaged in any type of work.

23.02. Information to be intimated to prisoner and family members.— (1) The date fixed for the execution, the period within which petitions must be dispatched and the result of the petition in each case, shall be intimated to the condemned prisoner by the Deputy Superintendent (Administration):

Provided a minimum period of fourteen days between the receipt of communication of rejection of mercy petition and the date fixed for execution.

(2) The officer in charge of concerned prison shall ensure that atleast one family member of the condemned prisoner is informed in writing of the date of execution at the earliest but atleast fourteen days before the date fixed for execution.

(3) The officer in charge of prison shall ensure that the condemned prisoner is provided with a copy of the rejection of mercy petition by the President or the Governor, as the case may be.

23.03. Cell to be examined.—Every cell in which any convict who is under sentence of death is at any time to be confined shall, before such convict is placed in it, be examined by the Deputy Superintendent (Administration) or other officer appointed in that behalf, who shall satisfy himself that it is secure and contains no article of any kind which the prisoner could by any possibility use as a weapon of offence or as an instrument with which to commit suicide, or which is, in the opinion of the officer in charge of prison, inexpedient to be permitted to remain in such cell.

23.04. Condemned prisoner to be searched daily.—Everyday, the Deputy Superintendent (Administration) or under his directions, the Assistant Superintendent shall carefully search every condemned prisoner and the cell he occupies and make note of his having done so and of the result in his journal. This duty shall in no circumstances be delegated to the warders. The female prisoners shall similarly be searched by matron, but their cell shall be examined by the Deputy Superintendent (Administration).

23.05. Clothing and Bedding.—The prison clothing, bedding and necessities issued to condemned prisoner shall be similar to that of the other convicts.

23.06. Guarding of condemned prisoners.—(1) If the permanent establishment of the prison is not sufficient to furnish, the necessary number of warders to guard condemned prisoners, temporary establishment may be entertained.

(2) The duty of guarding condemned prisoner shall always be given to the most trustworthy warders on the permanent establishment and the other duties of prison to junior warders and men temporarily entertained.

23.07. Number of Warders required for guarding.—The number of warders required for guarding condemned prisoners and their duty hours are as follows:

- (i) to furnish one sentry for continuous day and night duty over a condemned prisoner, three warders are required each to give eight hours of duty;
- (ii) when there are two or more condemned prisoners confined in a prison at the same time, in cells situated at some distance from one another, a separate guard shall be placed over each cell, but if the cells are contiguous, one warder shall be posted to guard a maximum of four prisoners;

- (iii) for any number of cells in excess of four, an extra guard shall be posted even when the cells are contiguous;
- (iv) with two rows of cells facing and within a reasonable distance of each other, one sentry may be given charge of any number of cells up to four on one side and four on the other;
- (v) when two or more cells are occupied, the sentry shall walk up and down past them, so that each prisoner guarded may be brought into view at short intervals; and
- (vi) the sentry shall be relieved as per the annexed table:

A	B	C
6-9 A.M	9-12 NOON	12-3 P.M
3-6 P.M	6-9 P.M.	9-11 P.M
11-1 A.M	1-3 A.M	3-6 A.M

23.08. Duties of Warder over condemned prisoner.—(1) The warder on duty over a condemned prisoner shall be armed with a baton and provided with a rattle to give the alarm when necessary.

(2) He shall be posted in front of the grated door of the cell and shall keep him constantly in view.

(3) He shall allow no person, except authorized prison visitors, the officer in charge of prison, the Medical Officer, the Deputy Superintendent, the Assistant Superintendents, the Medical Subordinate, the head warder on duty, and the authorized sweeper of the prison under proper guard, to go near or communicate with the prisoner, without an order in writing from, or accompanied by the officer in charge of prison.

23.09. Occupation of cell or yard and handcuffing.—(1) A condemned prisoner shall, unless there are any special reasons against it, which shall be recorded by officer in charge of prison in his journal, be permitted to occupy the court-yard of his cell for half an hour each morning and evening, but only one such prisoner at a time shall be allowed to do so. A condemned prisoner shall not be subjected to any instrument of restraint unless he is so violent as to be dangerous to the guard or to himself. If it is deemed necessary to use any instrument of restraint, the reasons for such action shall be reported to the Head of Department and the Deputy Inspector General, Prisons and Correctional Services (Circle).

(2) The cell and yard doors shall be kept locked during the time a condemned prisoner occupies his cell-yard.

(3) A condemned prisoner shall not be removed from his cell to the cell-yard or vice versa for any purpose, except in the presence of the head-warder.

(4) A sweeper or other prisoner allowed to enter the cell of a condemned prisoner to perform any duty shall be carefully searched and kept under close observation.

23.10. Duty of Head Warder over condemned prisoner.—(1) The head-warder on duty shall visit the cell occupied by a condemned prisoner frequently and at uncertain hours during the day and night and satisfy himself that the sentry is on the alert, the cell is secure and the prisoner is present.

(2) He shall forthwith report to the Deputy Superintendent (Administration) any suspicious conduct on the part of a condemned prisoner or any dereliction of duty on the part of the sentry.

23.11. Diet precautions to be taken.—(1) A prisoner under sentence of death shall be allowed the ordinary diet of a labouring convict.

(2) All food intended for consumption by a condemned prisoner shall be examined by the Deputy Superintendent (Administration), Assistant Superintendent or Medical Subordinate, who may withhold any article if found suspicious and report the circumstances to the officer in charge of prison. The food shall be delivered to the prisoner in the presence of one or other of these officers.

23.12. Admission of Visitors, Books and Newspapers.—The condemned prisoners who can read may be provided at their request with a supply of such books as are available in the prison library. Subject to the control of the officer in charge of prison, they may also be allowed to purchase at their own cost, or, obtain from their relatives or friends any other books. They may also be allowed to purchase any newspaper at their own cost. All reasonable indulgences shall be allowed in the matter of interviews with relatives, friends, legal counsels and approved religious ministers in the presence of Deputy Superintendent (Security) or an Assistant Superintendent.

23.13. Delay in carrying out a death sentence.—If any delay occurs in executing a sentence of death, other than that arising from the submission of a petition for mercy, the officer in charge of prison shall forthwith report the circumstances to the Sessions Judge and return the original warrant either for the issue of a new one or for the endorsement upon the same warrant of an order fixing another date for the execution.

23.14. Exception in the case of females.—In the case of a female under sentence of death:—

(i) the prisoner shall be guarded by matron, who shall not be provided with batons;

- (ii) the search of the prisoner shall be conducted by the matron without the presence of any male official but the cell shall be examined by the Deputy Superintendent (Administration);
- (iii) the food shall be distributed by a matron in the presence of the Deputy Superintendent (Administration); and
- (iv) the prisoner shall not be handcuffed when she is allowed into the cell-yard.

23.15. Female certified to be pregnant.-When a female prisoner sentenced to death is certified by the Medical Officer to be pregnant, the warrant with the fact noted thereon, shall be returned to the Sessions Judge who is empowered to direct postponement of the execution, pending the order of the High Court.

23.16. Female declares herself pregnant.-When a female prisoner sentenced to death declares herself to be pregnant and the Medical Officer is unable to certify the truth or otherwise of the statement, he shall record the fact and the interval of time necessary to enable him to arrive at a decision on the point, in writing. This record, with the warrant attached, shall be forwarded to the Sessions Judge.

23.17. Sentence may be postponed or commuted.-If a women sentenced to death is found to be pregnant, the High Court shall order the execution of the sentence to be postponed, and may, if it thinks fit, commute the sentence to imprisonment for life.

23.18. Prohibition against removal of convicts under sentence of death to give evidence.-When the evidence of a convict under sentence of death is required, the Court shall proceed to the prison for the purpose and shall not require the convict's attendance under the Prisoners (Attendance in Courts) Act, 1955, provided that if the presence of a convict under sentence of death is required by a Sessions or High Court for the purpose of taking additional evidence in the case under section 391 of the Code of Criminal Procedure, 1973, the convict's attendance may be required under the Prisoners (Attendance in Courts) Act, 1955. If he is facing trial in other cases, the court concerned shall be requested to hold the trial inside the prison premises using video conferencing technology or any other suitable arrangement.

23.19. Officer responsible for execution.-(1) The officer in charge of prison is responsible that the arrangements for execution are complete and made in good time and that the gallows, rope, cap and pinioning straps are in good order.

(2) The occurrence of any mishap or departure from the orders laid down shall be reported to the Head of Department.

NOTE: The execution takes place at central or district prison of the district in

which the prisoner is confined after the sentence of death has been passed, unless the warrant directs otherwise.

23.20. Mental health evaluation.—(1) The death-row prisoners may lose their mental balance on account of prolonged anxiety and suffering experienced on account of death sentence. Thus there shall be regular mental health evaluation of all death row convicts and appropriate medical care shall be given to those in need.

(2) If the officer in charge of prison is of the opinion, on the basis of report of Government doctors and psychiatrists that the prisoner is not physically or mentally fit, he shall forthwith stop the execution and produce the prisoner before a Medical Board for a comprehensive evaluation and shall forward its report to the Government for further action.

23.21. Condemned prisoner showing signs of insanity.—(1) If any prisoner awaiting sentence of death shows signs of mental illness which, in the opinion of the Medical Officer, are not feigned, or which require observation to determine whether they are feigned or not, the circumstance shall at once be reported to Government, through the Head of Department along with the following documents:

- (i) the Nominal Roll of the prisoner;
- (ii) a copy of the warrant under which he is confined (in duplicate);
- (iii) the Medical Officer's certificate in the prescribed form; and
- (iv) a copy of the judgement as soon as possible.

(2) If Government orders the appointment of a Special Medical Board, for the purpose of examining the mental condition of a convict sentenced to death, he shall be kept under observation in the prison by the psychiatrist in charge of the nearest psychiatric or similar institution or the Civil Surgeon for a period of ten days or longer if considered necessary prior to an examination by the Medical Board.

(3) As soon as possible, after the Medical Board is appointed and the convict is placed under observation, the officer in charge of prison shall collect information about the convict through the police or other sources and place it at the disposal of the psychiatrist or Civil Surgeon.

(4) As soon as the Medical Specialist or Civil Surgeon is ready with his report, he shall request the Director of Health Services to fix a date for the meeting of the Special Medical Board.

(5) The Medical Specialist or Civil Surgeon shall place all the records before the Medical Board. The President of the Board shall forward the proceedings of the Medical Board together with their own opinion to the Secretary, Department

of Home Affairs, through the Head of Department and the Director of Health Services.

(6) On receipt of orders of the Government, the officer in charge of prison shall give effect to them. If they direct that the sentence of death shall be carried out, the officer in charge of prison shall immediately send a written intimation to the Sessions judge who had issued the warrant for execution of sentence of death, for issuing a revised warrant of execution.

23.22. Description and testing of rope and gallows.—The following measures shall be adopted regarding the testing of rope and gallows, namely:—

(i) A Manila rope one inch in diameter shall be used for executions. At least two such ropes in serviceable condition shall be maintained at every prison where executions are liable to take place.

NOTE: The rope shall be 19 feet in length, well twisted, and fully stretched. It shall be of equal thickness, capable of passing readily through the noose-ring and sufficiently strong to bear a strain of 280 pounds with a 7 feet drop.

(ii) The ropes shall be tested in the presence of officer in charge of prison, at least a week before the date fixed for the execution and if they fail to pass the test, others shall be obtained at once and tested when received.

(iii) Tested ropes shall be locked up in a place of safety.

(iv) Before the execution is to take place, in the evening, the gallows and ropes shall be examined to ascertain that they have received no wear and tear since being tested.

(v) The officer in charge of prison shall inform the Executive Engineer (Building Division) about the execution, who shall arrange the inspection of the gallows before the date of execution.

NOTE: The rope shall be tested by attaching to one end a sack of sand or clay having weight equal to one and a half times the weight of the prisoner to be executed and dropping this weight from a height same as that of the drop to be given to the prisoner.

23.23. Officer to attend execution.—(1) The officer in charge of prison, and the Medical Officer of the prison, and the District Magistrate or a first class Magistrate deputed by him, are to be present when an execution is being carried out. The Medical Officer must not be below the rank of a Senior Medical Officer.

(2) When a condemned prisoner is transferred from one prison to another, the officer in charge of prison of the receiving and dispatching prisons shall report the

fact to the Magistrates of their respective districts.

23.24. Persons who may witness execution.—(1) If the prisoner so desires, a priest of his faith may be allowed, at the discretion of the officer in charge of prison, to be present at the place of execution, subject to the requirements of security and prison discipline.

(2) The relatives of the prisoner and other prisoners shall not be allowed to witness the execution. Security vetted adults up to a maximum of twelve may be admitted into the gallows enclosure on grounds of special security and administrative requirements, and strictly as per necessity, under the sanction of the Head of Department, provided that the Head of Department may, in his discretion, refuse admission altogether or to any particular individual. The Head of Department may, permit social scientists, psychologists, and psychiatrists who are conducting research, to be present during the execution.

23.25. Selection of Executioner.—(1) The executions shall be carried out by the Public Executioner whenever the services of that official are available and failing him, by his assistant or some trustworthy individual locally entertained for the purpose.

(2) On the first occasion of the employment of any person to perform the work of an Executioner, the officer in charge of prison shall satisfy himself that he understands how to perform the duty. Such person shall reside at the prison for two days prior to the day fixed for the execution.

NOTE: The services of the Public Executioner shall be obtained through the officer in charge of Patiala Central Prison, to whom, it shall be intimated at the same time, the date fixed for the execution.

23.26. Armed Guard to be present at every execution.—(1) When the execution is to take place within the walls of the prison, 12 men of the Warder Guard shall “fall in”, with their fire-arms and 10 rounds of cartridge or ammunition per man, near the prison gateway fifteen minutes before the hour fixed for execution. The guard shall not enter the prison unless called upon to suppress a disturbance or when witnesses are admitted.

(2) When the execution is to take place outside the prison walls, the officer in charge of prison shall send intimation of the fact to the Superintendent of Police two days before the date fixed for the execution to enable that officer to arrange for the attendance of Police Guard of one Sub-Inspector, two Head Constables and twelve Constables, and more if a disturbance is apprehended. The police guard is to be in addition to the available warder guard of the prison which shall also “fall in” in the same manner as and when the execution is in process inside the prison.

(3) Whenever an execution is being carried out, the prisoners shall be locked up in their barracks till the body is removed.

23.27. Regulation of the “drop”.-The following scale of drop proportioned to the weight of the prisoner is given for general guidance. The officer in charge of prison must use his discretion and be guided by the advice of the Medical Officer and the physical condition of the prisoner -

- (i) if the prisoner weighs less than 45.330 kgs, he shall be given a drop of 2.440 meters;
- (ii) if the prisoner weighs more than 45.330 kgs, but not more than 60.330 kgs, he shall be given a drop of 2.290 meters;
- (iii) if the prisoner weighs more than 60.330 kgs, but not more than 75.330 kgs, he shall be given a drop of 2.130 meters;
- (iv) if the prisoner weighs more than 75.330 kgs, but not more than 90.720 kgs, he shall be given a drop of 1.980 meters; and
- (v) if the prisoner weighs more than 90.720 kgs, he shall be given a drop of 1.830 meters.

NOTE: The “drop” is the length of the rope from a point on the rope opposite the angle of the lower jaw of the criminal as he stands on the scaffold, to the point where the rope is embraced in the noose after allowing for the constrictions of the neck that takes place in hanging.

23.28. Procedure to be adopted during execution.-The following procedure shall be followed on the day of execution, namely:-

- (i) Executions shall take place at the following hours:

November to February	08:00 A.M
March, April, September and October	07:00 A.M
May to August	06:00 A.M
- (ii) The officer in charge of prison and the Deputy Superintendent (Administration) shall visit the condemned prisoner in his cell a few minutes before the hour fixed for execution. The officer in charge of prison shall then first identify the prisoner as the person named in the warrant and read over a translation of the warrant in vernacular to the prisoner. Any other documents requiring attestation by the prisoner, such as his Will, shall thereafter be signed and attested in the presence of the officer in charge of prison. The officer in charge of prison shall then proceed to the scaffold, the

prisoner remaining in his cell. In the presence of the Deputy Superintendent (Administration), the hands of the convicts shall next be pinioned behind his back.

- (iii) The prisoner shall now be marched to the scaffold under the charge and control of the Deputy Superintendent (Administration) and guarded by a head-warder and six warders, two proceeding in front, two behind and one holding either arm.
- (iv) On the arrival of the prisoner at the scaffold where the officer in charge of prison, Magistrate and Medical Officer have already taken their places, the officer in charge of prison shall inform the Magistrate that he has identified the prisoner and read the warrant over to him in vernacular. The prisoner shall then be made over to the executioner.
- (v) The prisoner shall now mount the scaffold and shall be placed directly under the beam to which the rope is attached, the warders still holding him by the arms.
- (vi) The executioner shall next strap his legs tightly together, place the cap over his head and face and adjust the rope tightly round his neck, the noose being 1-1/2 inches to the right or left of the middle line and free from the flap of the cap.
- (vii) The warders holding the condemned prisoner's arms shall now withdraw and at a signal from the officer in charge of prison, the executioner shall draw the bolt.

23.29. Convict to be declared dead by the Medical Officer.—(1) The body shall remain suspended for half an hour and shall not be taken down till the Medical Officer declares life extinct.

(2) The warrant of execution shall be returned to the Court concerned by whom death sentence has been passed with an endorsement by the officer in charge of prison to the effect that the sentence has been carried out, duly countersigned by the Medical Officer and the Executive Magistrate.

23.30. Disposal of the body of the executed convict.—(1) After the execution of death penalty, it is mandatory on the part of the officer in charge of prison that post mortem is performed by the Medical Officer of the civil hospital concerned.

(2) If the executed prisoner's relatives make a written application for performing the last rites, the officer in charge of prison may, in his discretion, allow such request, provided that the relatives give an undertaking in writing that they shall not make a public demonstration of any kind at cremation or burial. If the officer

in charge of prison has reasons to believe that during the cremation or burial a public demonstration may occur, their request may be turned down by the officer in charge of prison as per the directions given by the District Magistrate in this matter.

(3) The body of the executed prisoner shall be disposed of according to the religious requirements and with all solemnity. A municipal hearse or ambulance shall be used for the transportation of the body to the cremation or burial ground.

23.31. Charges of execution to be borne by the prison.-The officer in charge of prison is authorized to incur all reasonable expenditure required in connection with execution including transportation and disposal of the dead body.

23.32. Report of execution to be sent to the Head of Department.-The officer in charge of prison shall send report of prisoner's execution to the Head of Department within one week of the execution.

CHAPTER 24**FOREIGN PRISONERS**

- 24.01. Definition.**—The term “foreign prisoner” used in this Chapter is such as defined in clause (28) of rule 1.03.
- 24.02. Procedure for nationality verification and deportation of a foreign prisoner**
Verification of Nationality on admission.— (1) The officer in charge of prison shall check or cause to be checked the nationality of a foreign prisoner at the time of admission and shall ensure a record of the same is kept along with other particulars of the foreign prisoner.
- (2) On determination of nationality of a foreign prisoner, the officer in charge of prison shall write to Foreigners Regional Registration Office, within two weeks of the foreigner prisoner’s admission to prison, to ensure that the nationality of the foreign prisoner is verified.
- (3) In case, at the time of admission, a foreign prisoner informs the prison authorities of a different nationality than the one documented on his warrant, then a clarification in this regard shall be sought from concerned police authorities or Foreigners Regional Registration Office and intimation in this regard shall be shared with the concerned court.
- (4) In case, nationality of a foreign prisoner cannot be determined, the officer in charge of prison shall write to the Head of Department to take up the matter with the Government so that the nationality of the prisoner can be determined.
- (5) The details of every foreign prisoner admitted in the prison shall be communicated to the Head of Department and the Deputy Inspector General, Prisons and Correctional Services (Circle), within two weeks of the foreigner prisoner’s admission to prison.
- 24.03. Procedure to be adopted six months before the completion of sentence of a foreign prisoner.**—The officer in charge of prison shall inform the Foreigners Regional Registration Office, at least six months in advance, regarding the completion of sentence of foreign prisoners.
- 24.04. Procedure to be adopted on completion of sentence of a foreign prisoner.**—The officer in charge of prison shall write to the Foreigners Regional Registration Office, regarding completion of sentence of foreign prisoners, so that process of deportation can be initiated.
- 24.05. Contingency to be reported.**—(1) In case of death of a foreign prisoner, the officer in charge of prison shall follow the same procedure, as followed in the case of prisoners who are citizens of India.

(2) In addition to above sub-rule (1), the officer in charge of prison shall report death of every foreign prisoner, without delay, to the convicting court, Foreigners Regional Registration Office, District Magistrate and the Head of Department. The Head of Department shall further communicate to the Government. The Government shall inform the embassy or the appropriate authority about the death.

(3) The inquest proceedings shall be initiated without any delay and the post-mortem shall be conducted without any delay and communication must be sent to the concerned Embassy or High Commission through the Ministry of External Affairs, Government of India, asking for the disposal of dead body. The embalming of dead body must be done. In case, concerned Embassy or High Commission does not want dead body back and gives 'No Objection Certificate' for the disposal of dead body, then the dead body shall be disposed of, as per the religious practices of the deceased and videography of disposal process may be done.

24.06. Petitions by foreign prisoners.—(1) The foreign prisoners may, in matters of urgency, at the discretion of the officer in charge of prison, be allowed to petition the consulate of their respective Governments, but such petition shall be forwarded through the Head of Department.

(2) The petitions addressed by the foreign prisoners, to the President, Vice-President, Prime Minister and other high dignitaries of the Central and the Government, may be forwarded to them through the Head of Department. The Head of Department may, however, withhold such petition if the statements contained in the petition are untrue or the petition is couched in intemperate or objectionable language. The reasons for withholding such petition may, however, be reported to the addressee by the Head of Department through normal official channel.

24.07. Communication or interview with foreign prisoners.—(1) The officer in charge of prison shall forward, any communication addressed to a Consulate by a foreign prisoner, to the Government through the Head of Department, without undue delay. The officer in charge of prison shall censor the particulars of incoming and outgoing letters of a foreign prisoner, under the provisions of these rules. If the particulars of incoming and outgoing letters of a foreign national are found intemperate or objectionable, then such letters shall be furnished to the Head of Department.

(2) The permission may be granted by the officer in charge of prison, after the prior approval from the Deputy Inspector General, Prisons and Correctional Services (Circle), to a foreign prisoner to communicate, through telephone or any approved means of communication, to his Embassy or High Commission in India or to his family members or friends residing in India. Wherever necessary and

possible, an interpreter or translator shall be made available to the foreign prisoner.

(3) In case any official from embassy requests interview with the foreign prisoner for providing legal assistance or for any other purpose, the officer in charge of prison shall permit the same upon approval of the Head of Department and under the relevant procedure.

NOTE: The right to interview a foreign national in prison does not mean a private interview and does not include the right to inspect the living quarters of the prisoner. This is also subject to general regulations regarding interviews in prisons.

24.08. Diet.—(1) All provisions related to diet, except under rule 24.18, shall be applicable to foreign prisoners on par with other prisoners.

(2) Under the special circumstances, if diet of the foreign prisoner, is prescribed by the concerned court or by the Medical Officer of the prison, based on the food habits of the prisoner with due regard to the accustomed diet of their nation, the officer in charge of prison shall provide such diet, subject to confirmation by the Deputy Inspector General, Prisons and Correctional Services (Circle).

24.09. Clothing, Bedding and Other Equipment.—The officer in charge of prison may provide foreign prisoner with clothing, bedding and other necessary equipment, as far as possible, in accordance with their habits, after approval from the Deputy Inspector General, Prisons and Correctional Services (Circle).

24.10. Release.—(1) The foreign prisoners shall not be released from the prison like other prisoners. On the day of completion of his sentence, a foreign prisoner shall be released from prison and must be produced before the Foreigners Regional Registration Office in person under police custody or supervision. In case due to any untoward circumstances, if foreign prisoner could not be produced before the Foreigners Regional Registration Office on the day of his completion of sentence, he shall be detained in prison for the time being, until he is produced before the Foreigners Regional Registration Office and an intimation regarding the same shall be sent through Telephonic Message or FAX or Official e-mail or any other approved means of communication to concerned Foreigners Regional Registration Office, the Head of Department and the concerned Convicting Court.

(2) The officer in charge of prison shall inform the Head of Department about the release of foreign prisoners, within two weeks of release of the foreign prisoner.

24.11. Repatriation of the prisoners.—In order to ensure transfer of certain prisoners from India to country or place outside India and reception in India of certain prisoners from country or place outside India, the Repatriation of Prisoners Act, 2003 and the Repatriation of Prisoners Rules, 2004 along with subsequent

notifications shall be followed.

- 24.12. General guidelines related to this Chapter.**—(1) The Standard Operating Procedure issued by the Head of Department from time to time shall be followed.
- (2) The Head of Department must be provided information about each and every such case.
- (3) In every such case, orders or instructions issued by the Government from time to time shall be followed.
- (4) All other provisions under these rules, when not at variance with the rules in this Chapter, shall be applicable to foreign prisoners at par with other prisoners.

CHAPTER 25**DETENUES**

- 25.01. Definition.**—‘Detenu’ means any person being detained in the State of Punjab by an order passed by the competent authority under the relevant provisions of different Acts.
- 25.02. Accommodation.**—Detenues shall be kept in cells or separate barracks or wards preferably the latter when they are detained in a prison and lock in and lock out rules shall prevail as in prison manual.
- 25.03. Diet.**—Detenues shall be entitled for the diet and other facilities in accordance with the provisions of the law or rules under which they are detained. In case of no such specific provisions, they shall be given diet and other facilities at par with undertrials.
- 25.04. Clothing and bedding.**—Each detenu may wear his own clothes and his relatives if so permitted by the officer in charge of prison, send extra clothes and beddings. A detenu who is unable to provide himself with clothing and bedding shall be supplied the same by the officer in charge of prison on the scale equivalent to that of a convict prisoner.
- NOTE:** The officer in charge of prison may provide necessary clothes to such detenues who have no clothes of their own at the time of their release.
- 25.05. Funds.**—Fund allowance shall be similar to regular prisoners in their welfare accounts until and unless specified by the Act or the court issuing detention orders.
- 25.06. Discipline and searches.**—(1) For the purposes of maintaining discipline, detenues shall be subject to each of the rules relating to civil prisoners as are not inconsistent with the order or any other special orders issued by the Government in this regard.
- (2) Every detenu and his cell or ward shall be searched atleast once a week by the Deputy Superintendent (Administration), the Deputy Superintendent (Security), the Assistant Superintendent as instructed by the officer in charge of prison. The facts of these searches shall be noted in the report book. Every detenu shall be searched before and after the interviews and at any other time if the officer in charge of prison considers it necessary.
- 25.07. Photographs and finger prints.**—The District Superintendent of Police or any other Police Officer authorized by him in this behalf may take photographs and finger prints of any detenu in prison.
- 25.08. Interviews.**—(1) Every detenu irrespective of the class shall be allowed to interview his relative twice a week. The Interview shall be held in the presence and within the hearing of a prison officer and an officer deputed for the purpose

by the District Superintendent of Police. The interview shall not be more than half hour and maximum of three persons, not counting children (below the age of twelve years) shall be permitted during each interview. The applications for interview shall be made in the specified form.

(2) On an application given by the detenu, the Government or any officer appointed by it for this purpose, may grant special interview with not more than three persons at a time on an adhoc basis in connection with the business or professional matters of the detenu or his relative. The interview shall be held in the presence and within the hearing of a prison official and an officer deputed for the purpose by the Superintendent of Police of the District and shall not be more than half an hour.

(3) Over and above the interviews specified in sub rules (1) and (2), every detenu shall be entitled to interview an Advocate of his choice, subject to the condition that the interview shall be purely for purposes of any application which the detenu may wish to make to a court of law or in connection with matters which may be pending in a court of law in which the detenu is a party. Such interview shall be held in the presence and within the hearing of a prison official and an officer deputed for the purpose by the Superintendent of Police of the District.

(4) The right to cancel any interview shall vest in the authority who has granted such interview and shall not be questioned:

Provided that the authority cancelling the interview, if it be other than the Government, shall make a confidential report, which shall be forwarded to the Government through the Head of Intelligence Wing of Police, giving reasons for the action taken.

(5) Interviews shall ordinarily take place on every Thursday, but in special circumstances where the enforcement of this rule would entail harshness, the competent authority may allow an interview to take place on any other day of the week. All cases in which the interview is allowed on a day other than Thursday by an authority other than the Government, shall be reported forthwith to the Head of Intelligence Wing of Police, Intimation of the date and time fixed for interview shall be given by the competent authority not less than twelve hours in advance in order that arrangements may be made for the attendance of the officer referred to in sub-rules (1), (2) and (3).

(6) A Statement shall be maintained by the officer in charge of prison of all interviews between a detenu and his relatives with the names and addresses of the persons present at each interview.

(7) The prison officer incharge of conducting interviews or the officer deputed by the Superintendent of Police of the District may stop the interview if the conversation turns in any undesirable subject such as party and political matters.

(8) The Police interviews shall be subject to the direction of the Government and the Head of Intelligence Wing of Police, may, by general or special order, authorize any one police officer or with another police officer and accompanied or unaccompanied by subordinate police officer to interview any detenu.

(9) The Police officers so authorized shall be allowed to interview detenues in the ordinary interview room, without a prison officer being present on making a written requisition to this effect.

25.09. Examination of detenu by Gazetted Officer of the State Government or Central Government.-The officer in charge of prison may allow any Gazetted Officer of the State Government or Central Government to examine any detenu in connection with the discharge of his official duty or exercise of any power conferred upon him by or under any law for the time being in force, on receipt of a written requisition to that effect from such officer.

25.10. Discipline inside the prison.-(1) Detenues shall be confined in a ward or a cell and shall not proceed beyond the limits of such area.

(2) Detenues shall obey the orders of the officer in charge of prison issued from time to time, to maintain their own health, discipline, orderly conduct and control of their activities.

(3) Detenues shall conform to the standards of cleanliness and dress as instructed by the officer in charge of prison.

(4) Detenues shall not do anything wilfully with the object of affecting discipline and peace in the enclosure.

(5) Detenues shall appear before the officer in charge of prison or any other senior officers of prisons whenever required for official purpose.

(6) If a detenu is found guilty for breach of discipline, the officer in charge of prison may award such punishment as permitted by conditions of detention and under these rules.

25.11. Correspondence and censorship.-(1) Letters from a Legislator detenu to the Speaker of the Legislative Assembly and a communication from the Speaker to that detenu as well as correspondence between a detenu and courts of law need not be censored and the same be forwarded directly by the officer in charge of prison to the quarters concerned. All such letters shall be sent by the officer in charge of prison within twenty-four hours of their receipt by him. The letters

meant for the Legislator detenu received from the Legislative Secretariat and the letters from the court of law to any detenu shall be delivered on the day these are received.

(2) Each detenu shall be permitted to write three letters a week at Government expenses excluding those referred to in sub-rule (1) and may receive any number of letters in a week.

(3) The officer in charge of prison shall have the discretion to allow additional correspondence beyond the limitation specified in sub-rule (2) in case of absolute necessity and the officer in charge of prison shall use his discretion in favour of the detenu whenever the detenu happens to be lodged in a prison away from his permanent place of residence.

(4) In exercising censorship on letter, the prison authority shall ensure that-

- (i) there is no undue delay in transmission or delivery of letters;
- (ii) the letters delivered or transmitted contains nothing which is prejudicial.

(5) Letters addressed by the Government to the detenu and the reply thereto shall not be included for the purpose of determining the number of letters exchanges by the detenu under this rule.

(6) All correspondence, addressed by a detenu to the Central Government or the State Government other than the State in which the detenu is detained shall not, however, apply to the correspondence mentioned in sub-rule (1).

(7) No letter, newspaper or other communication shall be transmitted to or from any detenu except through the officer in charge of prison or such other officer as the Government may, by general or special order, designate in this behalf.

(8) All letters to and from the detenu detained in prisons shall be pursued by the officer in charge of prison concerned and subject to any special orders of the Government. The letter shall be submitted to the officer in charge of prison or directed to the Superintendent of Police of the district concerned who may, at his discretion either forward the letter without delay or withhold them. In case of doubt, the District Superintendent of Police shall refer the matter to the Head of Intelligence Wing of Police.

(9) If in any communication, made by or intended to be delivered to a detenu, anything objectionable from the point of view of prison discipline is found by the officer in charge of prison, he may delete the same or mark it for deletion and mention why it has been done while forwarding such communication to the competent authority.

(10) Every letter forwarded to or from a detenu shall be initialled and dated by the Officer who handled the letter.

(11) In all cases, in which a letter is withheld, the detenu shall be informed through the officer in charge of prison of the fact of the retention with holding the letter. All letters withheld shall be sent to the Head of Intelligence Wing of Police or the other officer designated, may either retains them or destroy them.

(12) Detenu shall attach to all their outgoing correspondence a slip containing the full name, address and relationship if any, of the addressee, and of each person mentioned in the letter. These slips shall be sent to the Head of Intelligence Wing of Police or other officer designated by the Government in this behalf, who, if he considers that the writer not to be allowed to correspond with the addressee, shall inform the officer in charge of prison or the officer concerned for his future guidance.

(13) The correspondence to and from detenus shall concern purely with domestic matters or such matters relating to the welfare of the detenues or their relatives and matters related to the business. The letters containing references to political or communal matters shall be withheld.

25.12. Detenues pursuing education.—Detenues pursuing formal education shall be encouraged to continue their studies and shall be provided with all facilities to pursue their studies while in custody. In case he is required to appear in examinations, necessary arrangements shall be made by officer in charge of prison for the same.

25.13. Tasks.—In no case shall detenu be assigned a task including physical labour unless he voluntarily expresses willingness in writing to undertake it. In all cases where a task is assigned to the detenu on his own request, appropriate remuneration shall be paid and credited to the private funds of the detenu kept with the officer in charge of prison.

25.14. Place of detention.—The detenu may be detained in any prison of the State.

25.15. Application and representation.—(1) Detenues shall submit their applications or representations to the Government in duplicate. One copy of such application or representation shall be retained by the officer in charge of prison to deal with future references.

(2) The officer in charge of prison shall withhold applications or representations addressed to the Government by detenues which are couched in disrespectful or discourteous languages.

25.16. Medical facilities.— Detenu shall ordinarily be treated by the Medical Officer of the prison. In cases where it is necessary to admit a detenu to a civil hospital

outside the prison for operation or other special treatment which cannot conveniently be given in the prison itself, the order of the Government for such treatment shall be obtained, through the Head of Department. In emergent cases, the officer in charge of prison is authorized to anticipate the sanction of the Government but he shall make an immediate report of all cases in which he avails himself of the authority. The officer in charge of prison may ask the District Superintendent of Police, in which the prison is situated, to make arrangements for guarding these detenues during their stay in civil hospital outside the prison. For the purpose of prison discipline, the officer in charge of prison shall depute a prison official to see that the provisions of this rule are properly observed.

- 25.17. History Tickets.**-A history ticket shall be maintained for each detenu containing information applicable to prisoners as specified in these rules. The history ticket shall be kept by an officer deputed by the officer in charge of prison and not by a convict officer.
- 25.18. Power to issue instructions.**-Such other local instructions as may be necessary for the guidance of the prison officers may be issued by the Head of Department for the officer in charge of prison in the State with the approval of the Government.
- 25.19. Records of detenues.**-All particulars related to detenues shall be entered in Register No.3 as in the case of civil prisoners. However, detenues shall be shown as a separate category of prisoners in all returns and reports submitted by the concerned prison.

CHAPTER 26**PRISONER'S FOOD****SECTION 1 DIET**

- 26.01. Prisoners not to possess, receive or consume any article not prescribed.-** No criminal or civil prisoner shall, at any time receive or possess, or be permitted to receive consume or possess, any article of food or drink not provided for or supplied to him in the manner hereinafter in these rules specified in that behalf.
- 26.02. Daily issue of prison diet.-** Every prisoner shall receive food as specified by the rules. Every prisoner shall have two meals a day, in addition to morning tea with biscuits and afternoon tea. The quantity of daily ration to be issued to each prisoner shall be as specified by the Government from time to time.
- 26.03. Power to fix scales of prison diet.-** The Head of Department with the previous sanction of the Government, shall fix the daily scale of prison diet to be provided for every prisoner and, may, from time to time:-
- (i) vary the scale of prison diet generally or that specified in respect of prisoner,
 - (ii) specify a special scale of prison diet in respect of the prisoners confined in any prison or in the prisons situated within any specified local area; and
 - (iii) specify a special scale of prison diet in respect of any period or periods of time during any season of the year.

The Government shall specify the diet plans for prisoners in such a manner that the energy requirements given below are met-

	Category	Body weight kg.	Net energy (kcal/d)
Man	Sedentary Work	60	2320
	Moderate Work		2730
Woman	Sedentary Work	55	1900
	Moderate Work		2230
	Pregnant Women		+350
	Lactation		+600
	0-6 months		+520
	6-12 months		+520

Reference: Indian Council for Medical Research, Nutrient Requirements and Recommended Dietary Allowances for Indians. The nutrients required in a person's daily diet, their quantities and the common sources of nutrients are indicated in the table given below:

Sr.No.	Nutrients	Requirement	Sources
1.	Protein	1g. per kg. of body weight	Pulses, rice, wheat, milk, fish meat, eggs, etc.
2.	Fat	50 g	Oils, butter, ghee, milk, eggs, etc.
3.	Carbohydrate	300 g.	Cereals, sugar, jaggery, milk, root vegetables such as potato, etc.
4.	Minerals: (a.) Calcium	0.65 g. for adult, 1 g. for child	Milk, milk products, eggs, green, vegetables, unhusked cereals and whole gram
	(b.) Iron	12.15 mg.	Vegetables, fruits, fish and meat
5.	Vitamins: (a) Vitamin A	3,000 to 4,000 I.U.	Leafy vegetables, milk, fish, liver oils, yellow vegetables, eggs, carrot and yellow sweet potato
	(b) Vitamin C	50 mg.	Tamarind, amla, guava, all citrus fruits, eggs, lime, Orange etc.,
	(c) Vitamin D	400 I.U.	Fish, liver oils, milk
	(d) Vitamin group		
	(i.) Thiamin	1 to 2 mg.	Under milled cereals and pulse, parboiled rice, whole wheat
	(ii.) Riboflavin	1.8 to 3.0 mg	Leafy vegetables, eggs, fish, milk and milk products
	(iii.) Nicotinic acid	10 to 15 mg.	Under milled cereals, pulses and parboiled rice

26.04. Powers reserved to Medical Officer to vary prison diet.—The Medical Officer shall specify any special diet in respect of any prisoner, or to direct the manner in, extent to and period for which the prescribed scale of prison diet shall be varied or supplemented in the case of any such prisoner:

Provided that such diet shall not be prescribed, without the approval of the officer in charge of a prison.

26.05. Diet on special occasions.—(1) On the occasion of festivals or special occasions, as specified by the Government, extra items of dietary articles may be given to every prisoner.

(2) Halwa shall be provided to all prisoners on the following festivals or special occasions, National holidays or any other occasion, as may be specified by the Head of Department -

-
- (i) Birthday of Guru Gobind Singh
 - (ii) Republic day
 - (iii) Baisakhi
 - (iv) Id-ul-Fittar
 - (v) Id-ul-Zuha
 - (vi) Independence day
 - (vii) Dussehra
 - (viii) Diwali
 - (ix) Christmas day
 - (x) Birthday of Guru Nanak Dev

(3) The halwa shall be cooked out of their rations of Sugar, Ghee and Atta. The meal and quantity of the same may be specified by the Head of Department, from time to time.

NOTE: The prisoners who observe religious fasts may receive extra articles of food suitable for such fasts as per local practices, or may have the whole or a part of their meal at a place and at a particular time of the day, as may be allowed by orders of the Head of Department for proper observance of acts by them.

(4) When any person or association offers to provide fruits or sweets on any special occasion to all the prisoners, he or it may, at the discretion of the officer in charge of a prison, be allowed. If they want to provide food, they are required to supply raw rations which shall be cooked in the prison and issued to prisoners as desired by the donor and the fact be recorded in the order book of officer in charge of prison under intimation to the Deputy Inspector General of Prisons (Circle).

(5) In case of diabetic prisoners, savouries may be prepared as per the quantities prescribed and when prisoner population is less and it is difficult to prepare sweets, any type of sweet may be purchased from outside and issued to prisoners (equivalent to the cost of items issued for preparing sweet including fuel cost).

26.06. Extra articles of diet for the sick.-The Medical Officer is authorized to order such extra articles of diet to prisoner who are under the medication of the Medical Officer and sick in hospital may, in his opinion appear to be necessary fix the hours at which the food is to be distributed.

NOTE: (1) All prisoners who are on medical diet are also eligible for two cups of tea.

- (2) No extra diet shall be sanctioned for more than fourteen days at a stretch.
- (3) The control of diet of a prisoner in hospital shall be the responsibility of the Medical Officer (In Charge) and he may order such extras, as he considers necessary. While doing so, he shall also keep in mind the costs involved, and observe strict economy.

26.07. Extra diet for nursing mothers.-(1) A nursing mother admitted to prison with her child shall receive, in addition to the ordinary diet sanctioned for a female prisoner, Milk 500ml, 120 gms of flour baked into bread and 30 gms of dal daily shall be provided to her.

(2) During pregnancy and lactation, a woman needs more protein and minerals than otherwise. The extra protein can be obtained by substituting a part of the cereal portion of the diet with more milk, fish, meat and eggs, and in the case of vegetarians by concentrating more on milk and milk products, pulses or soya products. This would also ensure the necessary additional supply of minerals. Fresh fruit may also be provided to the pregnant and lactating mothers as per the quantity prescribed by the Medical Officer. For pregnant and nursing female prisoners, the following special diet shall be added:

Sr.No.	Items of diet	Quantity
1.	Milk	250 ml.
2.	Sugar	60 g.
3.	Vegetables	100 g.
4.	Fish/Meat or Curd	300 g or 200 g 50 ml.

26.08. Diet scales for children.-A child admitted to prison with his mother shall receive according to age, on or other of the following allowances of food items daily;

- (i) If the age of child is 6-12 months, Milk (360 ml, Cereals and millets (45 grams), Pulse (15 grams), Rooty and tubers (50 grams), Green leafs vegetables (25 grams), other vegetables (25 grams), sugar (15 grams). Fat/oils (10 grams), egg, fruit (25 grams) shall be given.
- (ii) If the age of child is 1-3 years, milk (460 ml.), Cereals and millets (60-120 grams), Pulse (30 grams), Rooty and tubers (50 grams), Green leafs vegetables (50 grams), other vegetables (50 grams), sugar (25 grams). Fat/oils (20 grams), egg 1, fruit (100 grams) shall be given.
- (iii) If the age of child is 4-6 years, milk (500 ml.), Cereals and millets (150-210 grams), Pulse (45 grams), Rooty and tubers (100 grams), Green leafs

vegetables (50 grams), other vegetables (30 grams), sugar (30 grams). Fat/oils (20 grams), egg 02, fruit (200 grams) shall be given.

NOTE 1: A child must be given 500 ML. Milk (Unless breastfed, in which case 300 ML.), 20 Gram Extra Biscuits when necessary shall be given as per directions of the Medical Officer.

NOTE 2: Separate utensils of suitable size and material shall also be provided to each mother prisoner for using to feed her child.

NOTE 3: Cooked food shall be brought to the female enclosure by a convict cook accompanied by a warder and placed outside the enclosure gate from whence it shall be taken inside by a matron or a female prisoner.

26.09. Record in respect of the issue of food.—A detailed account of the number of prisoners fed at each meal shall be maintained to keep a correct check upon the issue of food in full quantity according to scale. It is also necessary for checking over-issue or speculation. This information shall also be maintained digitally in the integrated prison management system.

26.10. Food to be varied.—The food of prisoners shall, with due regard to economy, be varied occasionally with the different kinds of pulses, vegetables and anti-scorbutic food which may from time to time be provided, when this shall not be difficult.

26.11. Mess Committee to be constituted for preparing food.—(1) For preparing food for the prisoners and distribution of ration, a Mess Committee shall be constituted, comprising minimum of three and maximum of seven members. The Committee shall have representation of both undertrial and convict prisoners. An Assistant Superintendent shall act as a mess in charge and the convener of the Committee. Selection of mess committee shall be held once in every four months.

(2) The cooking place within the kitchen and the place where the food is served/distributed to prisoners shall be monitored by Closed Circuit Cameras. The cameras shall be placed in such a position so that it shall be able to distinctly record the quality of food as it is being cooked or served. The Assistant Superintendent shall release the daily ration in presence of members of mess committee.

(3) The mess committee shall obtain ration in the presence of mess in charge, langar in charge and store keeper.

(4) The mess committee shall maintain a register in which following particulars shall be included:

- (i) Name of the product;
- (ii) Daily prescribed scale of the prisoners;
- (iii) Total strength of inmates;

(iv) Total amount of ration obtained.

(5) The mess committee shall be responsible for the quality and quantity of food cooked and distributed. It shall also ensure that the food is properly cooked and its full quantity reaches the prisoners in time.

(6) The mess committee shall ensure that convict cooks carry out all preparations and processes necessary after being issued the daily supplies and shall prepare the food with due care and attention. They shall wear clean aprons while preparing or handling food.

(7) Every member of the committee shall be issued an I-card which shall remain with him, while he is on duty.

26.12. Duty of Head of Department to ensure adequate supplies.-It shall be the duty of the Head of Department from time to time to take all such measures as may be necessary to ensure that every prisoner is at all times so supplied with food and drink as to maintain him in good physical health and vigour.

26.13. Supervision of food-stuffs and water-supply.-It shall be the duty of the officer in charge of prison, the Medical Officer and the Deputy Superintendent (Administration) at all times to satisfy themselves respectively that -

(i) pure and wholesome water is provided for consumption to the prisoners and supply of such water is at all times freely available to every prisoner for drinking purposes. There shall be no garbage dump or sewerage tank within a radius of 15 meters from a tube well or water tank. Independent water supply system shall be erected for supply of pure drinking water to the prisoners. Every prison shall have its own aerobic sewerage treatment plant and the water thus recycled and saved may be used for gardening. They shall also cause quality of water to be tested every year.

NOTE: The officer in charge of prison shall cause quality of water to be tested every year and if he thinks necessary, may test periodically. If the number of cases of water borne diseases is on the higher side in a prison, arrangements shall be made to supply micro filtered or boiled water for drinking purpose. For safe drinking, Reverse Osmosis (RO) system may be provided in each prison in sufficient number or capacity based on the requirement or capacity.

(ii) Every food article at any time issued or intended to be issued for any prisoner is of the prescribed quantity and quality, and is wholesome and fit for human consumption.

(iii) Every article of food supplied to any prisoner in a cooked state, or which requires to be cooked before being so supplied, is properly and cleanly cooked

in such manner as to be wholesome and reasonably palatable.

- (iv) Every article of food, whether cooked or uncooked, is subjected to proper examination and inspection before it is issued for consumption by any prisoner.
- (v) All food-stuffs at any time obtained and stored in the prison are frequently inspected and all articles which are unwholesome or in any respect unfit for human consumption, are forth with rejected and are not issued for the use of prisoners.
- (vi) Proper place for convenient and orderly distribution along with suitable utensils and other appliances for the consumption of food are duly provided.
- (vii) Guarding staff, who are on duty and officers up to officer in charge of prison who are on duty shall be provided one free meal equivalent to half of the diet scale prescribed for working prisoners and two cups of tea per day.
- (viii) There shall be a separate kitchen for cooking food for the staff on duty. One Warder shall be placed in charge of this mess and all precautions taken in maintaining the main kitchen shall be observed at the staff mess also.

26.14. Offences connected with food supply time and place of consumption.-(1)

No prisoner shall conceal waste food or transfer to any other prisoner any article of food or drink at any time supplied to him and every prisoner shall consume his food at the times prescribed for the purpose.

(2) The times at which meals are to be served out to prisoners and within which prisoners are to consume their food and the manner in and place at which the distribution of food is to take place and the like, shall from time to time be specified by the officer in charge of prison, subject to the directions (if any) in that behalf of the Head of Department.

(3) In the event of refusal of food by a prisoner, the Medical Officer must adopt methods of artificial feeding if, in his judgment, the physical condition is such that artificial feeding provides the only method of keeping the prisoner alive. The actual operation of artificial feeding must be carried out by the Medical Officer or his medical Subordinate.

NOTE: When a prisoner complains of receipt of insufficient quantity of food, the officer in charge of mess, shall immediately weigh the food and if found short, shall make good of shortage and if the food is not wholesome, inform the officer in charge of a prison about the complaint for taking future remedial measures.

26.15. Examination of food by the Medical Officer.-The Medical Officer shall-

- (i) ordinarily examine the food daily and when defective in quantity make a

note of the fact in his journal, and

- (ii) at uncertain times and at least once a week when the food is cooked and ready for issue and occasionally after distribution to the prisoner cause such food to be weighed in his presence and note the result in his journal.

26.16. Inspection of food by the officer in charge of prison.-The officer in charge of a prison shall inspect the food prepared for prisoner's meals three times in each week. On other days, the Deputy Superintendent (Administration) shall examine the daily meal.

26.17. Food of prisoner on transfer.-(1) The prisoner on transfer or about to be sent to court shall receive a meal of cooked rations before leaving.

- (2) If a journey exceeds 12 hours, the officer-in-command of the police escort, shall receive subsistence allowance for each prisoner at the rate of normal diet expenses of food per prisoner for the purchase of food during the journey. All advances for subsistence allowance or for contingent requirements shall be accounted for by the officer to whom the money is entrusted.

SECTION II**PREPARATION OF FOOD**

- 26.18. All articles to be weighed out to the cooks and maintenance of details of the preparation of food.**-All articles of diet shall when possible be weighed out to the cooks in a state ready to be prepared for cooking. The following instructions shall be attended to -
- (i) wheat before being ground into flour shall be thoroughly freed from dirt, unsound grain and any other deleterious substances. The flour shall be sifted through a fine perforated zinc sifter (No. 06 gauge) or equally fine wire gauze;
 - (ii) anti-scorbutics food, in the requisite quantity, shall be issued daily with the midday and evening meals to all prisoners. There shall be standing instructions for the preparation and issue of different kinds of anti-scorbutics food which are commonly available;
 - (iii) succulent fresh vegetables when available, shall be used in the dietary in preference to dried vegetables. They shall be freed from stalks, decayed and fibrous portions and cut up ready for the pot before being weighed out.
- 26.19. Scale, weights and measures complaints concerning food.**-Properly adjusted beam scales and correct weights shall be used in every prison for weighing supplies in bulk and individual rations. They shall be frequently tested by the officer in charge of a prison. Pieces of brick stone or any other articles shall not be substituted for proper weights. Measures frequently tested shall be kept in sufficient number for the distribution of all food that has to be given out by measure. All complaints of prisoners with respect to the quantity, quality or cooking of the rations shall on the first opportunity be brought to the notice of the officer in charge of a prison.
- 26.20. The cooking of food, cleanliness vessels, etc.**-The cooks shall perform the duty of preparing the food with care and attention. The dough shall be slowly and thoroughly kneaded with portion of the salt and not more water than is necessary. Each Chapatti shall be of the same thickness throughout. The cooking shall be done slowly so that the surfaces may not get burned, while the inner part remains uncooked. All cooking vessels must be kept clean and bright and the cook-house shall be kept clean and tidy.
- 26.21. Protection from the weather during meals.**-The prisoners shall be protected from rain and intense heat during meals. If there are no roofs over the ordinary feeding places, they may be allowed to sit in verandas, or if necessary, in the work-sheds or wards or wherever shelter can be found.

- 26.22. Other provisions regarding cooking.**—(1) Cooking may be done in stainless steel vessels. All cooking utensils must be kept clean and shining and the kitchen and eating area too must be clean and tidy.
- (2) Special care shall be taken to ensure that all vessels, in which milk is kept, are perfectly clean. All vessels shall be scalded and cleaned with boiling water immediately after use. These must not be left uncleaned.
- (3) All cooked food shall be kept covered until it is distributed and appropriate arrangements in the form of freezers, refrigerators, etc. shall be made for storage of perishable items.
- (4) The officer in charge of prison and the Medical Officer shall exercise utmost vigilance in the supervision of food supplies and when the food is cooked and is ready for distribution to prisoners, they shall make surprise inspections, at least once a week, in addition to routine inspections. At these inspections, the weight and taste of the food distributed shall also be checked.
- (5) Tampering with food or scales by convict cooks shall be treated as a serious offence.

SECTION III**THE STORAGE OF GRAIN**

- 26.23. Acceptance of stores.**-(1)A survey committee consisting of the following members shall inspect all supplies of food grains, pulses, condiments, etc., received by the prison stores and record its observation regarding its quality and satisfy itself about appropriateness of its quantity. In case the quality is not satisfactory or comparable to the controlled sample or the quantity is short, the consignment shall not be accepted. If found in order, same shall be approved to be stored.
- (2) A survey committee shall be consisting of:
- | | |
|-------------------------------------|---------------|
| 1. Superintendent | - Chairperson |
| 2. Deputy Superintendent | - Member |
| 3. Medical Officer | - Member |
| 4. Welfare Officer | - Member |
| 5. Store Keeper | - Member |
| 6. 03 members of the Mess Committee | |
- 26.24. Responsibility for storage.**-The officer in charge of prison and the Deputy Superintendent (Administration) shall be held responsible for proper arrangements of storage of grain, subject to the supply limits as determined by the Head of Department from time to time and of the storage room available. As far as possible, the prisoners other than those employed in its preparation are inaccessible to grain. Grain shall be stored in bags and not loose in bulk.
- 26.25. Examination of grain and prompt payment to be made.**-The Medical Officer shall examine every delivery of grain brought to the prison and satisfy himself that it is of good quality before it is stored. There shall be no delay between delivery and weighing; and payment shall be made at once after approval of the Head of Department.
- 26.26. The storage and subsequent care of grain.**-The grain shall not be finally stored until it is thoroughly dry, if it is damp it must be spread out and turned over frequently in the sun for a few days but must not be left uncovered at night. All grain shall be protected from birds, vermin and insects and secured under lock and key. If it shows signs of damage or decay, it must be all turned out, exposed to the sun, cleaned and restored. If any loss is discovered, full report of the circumstances shall be made to the Head of Department.
- 26.27. Utilisation of prison labour comparison of output with raw material issued.**- As far as practicable, all articles of diet required for feeding prisoners shall be

raised on prison land and prepared by prison labour. When articles are purchased, they shall be in the crudest condition, so that prison labour may be utilized in their preparation and economy exercised. The amount of every kind of food article issued for preparation, shall be frequently compared with the return of prepared material received therefrom and both the officer in charge of prison and the Deputy Superintendent (Administration) shall satisfy themselves that no waste or unauthorized loss is permitted. This applies more particularly in the output of flour and oil which shall commensurate with the grains issued.

CHAPTER 27**CLOTHING, BEDDING AND OTHER AMENITIES****27.01. Supply of clothing and bedding prisoner not to use or possess any other.-**

(1) Subject to the provisions of section 31 and section 33 of the Act and the rules made there under the former section, as to civil prisoners and undertrial prisoners who are permitted and able to provide themselves with clothing, bedding or other necessities, every convict, civil prisoner and undertrial prisoner who is supplied with clothing and bedding under the provisions of section 33 of the said Act, shall wear such clothing and use such bedding as is supplied to him by or under the orders of the officer in charge of prison and no other.

(2) No prisoner to whom any clothing or bedding is supplied under sub-rule (1) shall receive, possess or use any article of clothing or bedding other than an article so supplied or an article the receipt, possession or use of which the officer in charge of prison may at any time sanction in respect of any such prisoner.

27.02. Convicts to wear prison dress.-Every convict shall ordinarily wear the specified prison dress. The clothes of convicts shall have no pockets or openings in the lining. All clothing shall be according to the custom of the State. The prisoners shall be provided with dresses to suit their physical measurement:

Provided that the Head of Department may, at any time in his discretion, by general or special order in that behalf, relax the provisions of this rule in respect of any prisoner or category of prisoners under sentence of simple imprisonment, subject to such conditions, if any, as he may think fit to impose in this behalf.

27.03. Duty of the Director General with regard to clothing etc.-It shall be the duty of the Director General, from time to time, to take all such measures as may be necessary to ensure that every prisoner is at all times so supplied with clothing and bedding as to preserve him in reasonable comfort and good health.**27.04. When convicts are permitted to wear private clothing.-**All prisoners sentenced to rigorous or simple imprisonment may be permitted by the officer in charge of prison to wear private clothing when (a) attending court, (b) on transfer to another prison and (c) having an interview with relatives.**27.05. Prisoners to conform to order as to the care of articles.-**Every prisoner to whom any article of clothing or bedding or other equipment is at any time supplied shall, conform to all such orders as to the care, custody and use, as the case may be thereof, as may from time to time be issued by the officer in charge of prison, subject to the directions, if any, in this behalf, of the Head of Department.**27.06. Power to fix scales of clothing and bedding.-**The Head of Department shall, with the previous sanction of the Government, fix the scale of clothing and bedding

and other necessities of equipment, to be provided to any category of prisoners, and may, with the like sanction, from time to time -

- (i) vary the scale of clothing and bedding generally;
- (ii) prescribe a special scale in respect of the prisoners confined in any prison, or in the prison situated within any specified local area;
- (iii) prescribe a special scale in respect of any period or periods of time or during any season of the year, and
- (iv) vary the shape, size, material or quality of any article prescribed in any scale of clothing or bedding.

27.07. Provision to be made in prescribed clothing bedding Exhibition of scales.-

(1) The scales of clothing and bedding and other necessities of equipment, from time to time prescribed, shall contain provisions for winter and summer wear, in respect of convict prisoners (male and female) and civil prisoners (male and female) who do not provide or only partially provide their clothing, bedding and other necessities.

(2) Provision shall also be made in respect of any infant permitted to reside in prison with its mother who is a prisoner or after the death of its mother.

(3) The copies of the scales of clothing, bedding and other necessities of equipment, for the time being in force in any prison, shall be exhibited in the manner provided in regard to the exhibition of copies, of rules, made in section 61 of the Act.

27.08. Powers reserved to the Medical Officers to order extra clothing and bedding.-

Nothing in the foregoing rules contained shall be deemed in any way to limit or restrict the power of the Medical Officer, with the approval of officer in charge of prison, at any time to direct, on medical grounds and for the benefit of the health of any prisoners, the issue of extra clothing or bedding to any such prisoner or any category of prisoners for any specified period or during any season of the year.

27.09. Scales of clothing, bedding and equipment.-

(1) The scale of clothing bedding shall be specified by the Government from time to time, while taking climatic conditions into account as also maintenance of security and discipline in the prison.

(2) Under trial prisoners shall be supplied with prison clothing on written request made in this regard to officer in charge of prison and they shall be provided with same clothing as the convicts.

NOTE: To maintain discipline and security, dress code may be specified to under trials by the Head of Department through a standing order. The

Government can also restrict the scale of outside clothing for under trials.

- 27.10. Supply of prison clothing to certain prisoners.**—All clothing and bedding supplied to any civil or undertrial prisoner under the provisions of the Act shall be of the same description as that supplied to convicts.
- 27.11. Clothing etc. of infants.**—(1) The clothing, bedding and necessities to be supplied to infants who are permitted to reside in prisons, shall be such as the Medical Officer may, in each particular case, specify.
- (2) Every child shall be given, every six months, a set of clothes as per local climatic requirements and similar to that normally used by children in the free community.
- 27.12. Standard patterns of all articles.**—All articles of clothing, bedding and equipment shall be of the standard patterns approved by the Director General and, in the case of every prisoner, shall, with the exception of the bedding and blankets, remain with him at all the times.
- 27.13. Certain convicts to wear a red cap.**—Every convict who has ever been convicted of escaping or attempting to escape from any lawful custody shall wear a red cap or a red puggri if a Sikh and in case of a female prisoner, shall always wear a red dupatta.
- 27.14. Clothing of unidentified prisoners.**—Unidentified prisoner shall wear coats with two dark blue stripes, each 03 inches wide, running along the whole length on either side or caps with one blue stripe of the same width, in the middle.
- NOTE:** An “unidentified” prisoner is one whose identity has not been established i.e., when antecedents has not been discovered and whose commitment warrant has been endorsed accordingly by the court sentenced him.
- 27.15. Clothing to be worn in the manner prescribed.**—All the prisoners, shall wear all the articles of clothing supplied to them except when ordered to the contrary by proper authority. No articles of clothing shall be worn in any way other than that for which it was intended.
- 27.16. Clothing to be marked.**—Each article of prison, clothing and bedding supplied to every convict shall be marked legibly with a separate consecutive number in a suitable manner.
- NOTE:** White or grey woollen articles shall be marked with black color, while articles of black colour shall be marked with white paint.
- 27.17. Time clothing should last.**—The allowance of cotton clothing specified in each

scale for prisoners shall ordinarily last for six months except in the case of cotton sheet which shall last for one year. The blanket coat and the blankets shall give at least three year's wear. Bhabhar mat shall last not less than one year.

- 27.18. Distribution of clothing.**—Convicts sentenced to imprisonment for one year or more shall ordinarily be supplied with new cotton clothing, unless there is an accumulation of old clothing, in stock. When clothing or bedding that has been previously in use is issued, the fact shall be noted on the history-ticket.
- 27.19. Hospital clothing procedure on admission to hospital.**—All articles of cotton clothing for hospital use shall have two red stripes each two inches wide running along their whole length and woven with the cloth. Woollen clothing shall be made in grey and brown checks six inches square. The clothing of every convict shall, on his admission to hospital, be taken from him and a complete hospital outfit be substituted. The prisoner's clothing shall then be washed and placed in the hospital store-room until he is discharged when it shall be returned to him. In case of death, the clothing shall be returned to the clothing godown or destroyed, if the Medical Officer considers such a course necessary. The medical subordinate shall be responsible for the care of the hospital clothing godown and the articles stored therein.
- 27.20. Extra clothing for convalescents.**—Prisoner in the convalescent group shall be provided with an extra blanket, a woollen pyjama and a waist-coat made of old blanketing during the coldest season of the year.
- 27.21. Sufficient clothing to be kept in stock.**—A sufficient stock of clothing to meet all possible requirements shall be kept in store in every prison.
- 27.22. Prisoners to get old clothing at certain times.**—Every prisoner who is employed on any form of labour which is destructive of clothing or especially liable to spoil it, in addition to the ordinary scale of clothing be supplied with a part worn dasuti coat and trousers dyed light blue for wear during working hours, cooks may also be allowed an apron of coarse white dasuti cloth.
- 27.23. Clothing to kept serviceable.**—Every prisoner's clothing and equipment shall be renewed as necessity arises. No prisoner shall be allowed to remain in tattered and unserviceable clothing. One or more prisoner tailors may, according to circumstances, be employed in keeping the clothing in repair.
- 27.24. Washing of prisoners clothing.**—Blanket and bedding shall be boiled and washed once in three months, and hospital clothing and bedding at short intervals, by a group of men specially set apart for this work. This may be done systematically and thoroughly and it shall be done ward by ward. Each prison shall be provided with a boiler and wringing machine for boiling and washing blankets and clothing

of newly admitted prisoners and also the clothing of hospital patients. The boiling must be done thoroughly and there ought to be no vermin in the clothing. At least once a week, when the weather is fine, the bedding and blankets shall be aired in the sun for at least three hours. This shall ordinarily be done after the mid-day meal, and the bedding left out until the prisoners return from work in the evening.

- 27.25. Prisoners to wash their clothing once every week.**-Every prisoner shall be required to wash his clothing at least once a week, usually on the Sunday mornings and at any other time as the officer in charge of prison may direct. The officer in charge of prison may ask prisoners to wash specific items of prison, clothing and may authorize the issue of the necessary washing materials for the is purpose.
- 27.26. Repair, maintenance and inspection of clothing and bedding.**-A day shall be fixed for weekly maintenance and inspection of clothing. At the weekly parade of prisoners, the officer in charge of prison shall pay special attention to their clothing and bedding and shall satisfy himself that each prisoner's kit is complete and is in proper condition. Suitable arrangements shall be made for washing and cleaning of every article of prisoners' clothing and bedding.
- 27.27. Prison laundry.**-All Central and District prisons shall have their own mechanized laundry to wash items of clothing and bedding at the time of return of these items to the clothing store.
- 27.28. Cleanliness of clothing and bedding.**-All clothing and bedding must be kept in a thoroughly clean condition. A convict dhobi shall be employed to wash for those who are sick.
- 27.29. Supervision of supply of clothing and bedding.**-It shall be the duty of the officer in charge of prison, the Medical Officer and the Deputy Superintendent (Administration) at all times to satisfy themselves, respectively, that -
- (i) every prisoner is provided with sufficient clothing and bedding to secure his health;
 - (ii) all clothing and bedding supplied is of the prescribed description and quality, clean, in good condition and in all respects suitable for use by prisoner;
 - (iii) all articles of clothing or bedding at any time obtained and stored in the prison are frequently inspected and all articles which are in any respect unsuitable or inferior to the prescribed description and quality are forthwith rejected and are not issued for the use of prisoners.
- 27.30. Bedding, clothing to be thoroughly searched before allowing in the prison.**- All clothing and bedding items shall be thoroughly inspected and checked before allowed inside the prison. Blanket issued to a prisoner shall be washed and

surrendered at the time of release for reissue.

- 27.31. Record of clothing, bedding etc. issued to be entered in history ticket.**-A record of clothing, bedding and equipment given to the prisoner shall be recorded in the history ticket of the prisoner.
- 27.32. Responsibility of prisoners regarding clothing etc.**- (1) No prisoner shall destroy, damage or in any way make away with any article of clothing, bedding or other equipment at any time supplied to him or in his possession and every prisoner shall take reasonable and proper care of every such article.
- (2) The manner in which articles of clothing, bedding and other equipment, as the case may be, supplied to prisoners are to be kept or used by such prisoners which shall be specified by the officer in charge of prison subject to the directions, if any, in this behalf of the Head of Department.
- 27.33. Disposal of unserviceable clothing.**-Once a month all clothing considered unserviceable shall be brought before the officer in charge of prison and, if declared useless by him shall be written off the accounts under his initials. Such portions as may be useful for repairing other clothing shall be set aside for this purpose and not returned to store, the remainder shall be cut into small pieces. Cotton rags shall be sent to nearest prison that manufactures paper and requires them, woollen rags shall be disposed of to the best advantage.
- 27.34. Disposal of clothing received on release.**-The clothing received from prisoners on release shall be returned to store. If fit for further use, it shall, after being washed, disinfected and repaired if these are not necessary be re-issued; if these are not fit for use, it shall be placed before the officer in charge of prison in accordance with the preceding rule.
- 27.35. Submission of clothing indent.**-Indents for clothing, bedding shall be submitted in duplicate to the Head of Department on or before the 15th April of each year. The requirements shall be carefully considered so as to obviate the necessity of submitting a supplementary indent.
- 27.36. Charge of clothing godown. Protection from pests.**-The clothing godown shall be placed in the charge of a trustworthy official, subject to the general responsibility of the Deputy Superintendent (Administration). Every care must be taken to protect the clothing from damp and the ravages of vermin and insect pests by airing it in the sun at least once a month and by the use of neem leaves or phenol tap.
- 27.37. Clothing of prisoners transferred.**-The identical articles of clothing and bedding sent with prisoners on transfer are to be returned to the transferring prison.

CHAPTER 28**SANITATION AND HYGIENE**

- 28.01. The cleanliness of all barracks and other buildings.**-(1) The barracks and other buildings occupied by prisoners, to be paraded by officer in charge of a prison on a particular day, shall on being vacated each morning, be thoroughly cleaned out. Doors, window-sills, gratings and shutters shall thereafter be dusted and when necessary, washed and all dust and dirt be removed.
- (2) All bedding of that barrack or building shall be taken out when the ward is vacated each morning and are to be placed in the sun.
- 28.02. Premises to be kept clean and other sanitary matter.**-(1) It shall be duty of officer in charge of a prison, the Medical Officer, the Deputy Superintendent (Administration) and all subordinate officers to pay special attention to every detail connected with the cleanliness and neatness of the prison and its surroundings and the visitors are expected to satisfy themselves that there is proper sanitation inside the prison premises.
- (2) The prisoner cells and wards shall be cleaned at least once in a day. The roofs and walls of wards, cells, factory, hospital and recreational area shall be cleaned regularly and white-washed once every year. In the factory, the floor, equipment, machines and tools shall be cleaned every day on conclusion of work.
- (3) The ground shall be free from fallen leaves, weeds and rubbish of all descriptions. The grass plants shall be closely cropped and their edges to be trimmed, the paths to be repaired, kacha drains to be dressed and their levels shall be re-adjusted whenever necessary.
- (4) Drains and latrines must be kept scrupulously clean and no sewage material should be permitted to find its way into them. Cesspools of any kind are prohibited within prison precincts. The use of sunk reservoirs for refuse water is to be avoided. No rubbish shall be allowed within or near the prison walls. All food waste shall be collected in dustbins. Before eating, plates and cooking vessels shall be washed.
- (5) The hospital must receive special attention. Godowns must be kept clean, properly arranged, well ventilated and their contents must be aired as often as possible. Periodic efforts shall be made to get rid of rodents, lizards, cockroaches, house flies, mosquitoes and other vermin from stocks as well as from wards or cells and other prison premises.
- (6) The prison area shall be cleaned daily and be kept free from all unwanted plants, accumulation of broken bricks, manufacturing waste. Kitchen waste shall not be permitted to be thrown on the ground nor shall garbage of any kind be allowed to accumulate in or near the prison.

NOTE 1: There shall be regular disinfecting and fogging of prison cells and other premises.

NOTE 2: Each prison shall follow a Standard Operating procedure (SOP) regarding sanitation and hygiene during epidemics or spread of contagious disease as follows, namely:-

- (1) Hand hygiene and respiratory etiquettes;
- (2) Social distancing;
- (3) Segregation;
- (4) Security of inmates;
- (5) Health monitoring;
- (6) Minimum movement;
- (7) Tracking and tracing of contacts; and
- (8) Remote meetings.

28.03. Flush latrines with proper septic tanks.- (1) Each enclosure or each barrack shall have sufficient number of flush type latrines attached to it so that prisoners complete their latrines or bathing parade in half an hour. All flush latrines shall be connected to Municipal sewerage system or have proper septic tanks.

(2) The latrine floor shall be made of concrete and it shall be roofed to protect from adverse weather and partitioned for sake of decency.

(3) Every latrine and place where prisoners are confined shall, at no time, be without proper vessels. Such vessels shall be thoroughly washed out and scrubbed daily and frequently burned.

(4) All toilets, whether individual or communal, must be equipped with a washbasin, thereby preventing the transmission of infectious diseases.

(5) Adequate bathing installations shall be provided so that every prisoner can, and may be required to, have a bath or shower, as frequently as necessary for general hygiene according to season.

(6) As far as possible, the prisoners shall be provided with requisite toiletries for their personal hygiene and cleanliness.

(7) The Government shall ensure that no drainage, sewerage and sanitation facility inside a prison is in a dilapidated condition.

NOTE: All arrangements shall be made to ensure that rain water in the form of surface run-offs and those collected on buildings are duly harvested, as far as possible, through installation of proper rain water harvesting systems.

28.04. Drainage of prison land and sanitary defect to be reported.-(1) The drainage

of the land around the prison shall receive careful attention and all low ground be filled up with clean earth. High crops shall not be grown along with 50 yards of the prison walls both for sanitary reasons and as affording convenient cover to any prisoner escaping or attempting to escape.

(2) It is the duty of the Medical Officer to bring to notice any defects of drainage within the prison area or its vicinity. The construction of public latrines, sewers or drains or the existence of any other insanitary condition in the neighbourhood of the prison, likely to affect the health of the prisoners shall be reported to the Head of Department.

NOTE: The Municipal Health Officer, District Health Officer or the health officers of the Municipal corporation or Municipal Committee as the case may be, shall visit the all prisons under their jurisdictions once a month and offer suggestions for sanitation and hygiene.

28.05. Arrangements during and after rains.—All arrangements shall be made to pump out all stagnant water. After the rainy season, the inner and outer sides of the perimeter wall of the prison and wall of the wards shall be scrubbed. Pathways inside the prison compound shall be de-weeded and re-laid. Wherever the paths are made of tarmac, the uneven surface shall be levelled properly. The open spaces and roads inside the main wall of the prison shall be properly paved leaving enough space for flower beds.

28.06. Prison Hospital to be kept free of contamination.—The following measures shall be taken for keeping the prison Hospital free of contamination, namely:-

- (i) the floor and walls shall be painted or glazed with ceramic tiles. The floor and tiled walls shall be mopped with disinfectants every day;
- (ii) the toilets shall be cleaned with phenyl twice a day; and
- (iii) the prisoners suffering from infectious and contagious diseases shall be kept in isolation avoiding any possibility of contact with others.

28.07. Regular examination of inmates engaged in cooking.—(1) All inmates before being engaged in cooking shall be thoroughly examined by the Medical Officer to ensure that they are not carrying any infection. Thereafter, they shall be examined regularly by the Medical officer, in no case less than once in a quarter. Proper record of such medical examination shall be maintained by the Assistant Superintendent in charge of the kitchen and presented before officer in charge of a prison at the time of inspection. There shall be adequate arrangements for cooks to wash their hands with soap and water before they start cooking. Manual handling of food is undesirable and shall be avoided as far as possible.

(2) Female prisoners may, as far practicably feasible, be engaged in preparation of food for the prison inmates by creation of suitable facilities in the women ward

of the respective prison.

- 28.08. Hygiene management of female prisoners.**-The Government shall make endeavour to ensure access to clean water, quality and sufficient quantity of sanitary pads, proper disposal of used pads, as well as ascertain reproductive health of female prisoners through regular doctor visits and raise awareness among the prison staff and female prisoners on issue of menstrual hygiene.
- 28.09. Source of water supply.**-(1) Wherever municipal corporation, municipality water supply exists, arrangements shall be made to connect the prison with it by a pipe line. Samples of the water in use for domestic purposes in every prison shall ordinarily be submitted to the requisite authority twice a year, for both chemical and bacteriological examination to prevent any health hazard.
- (2) Every possible precaution must be taken to prevent contamination of the water whether at its source, during its carriage or in its distribution.
- NOTE:** In the event of outbreak of an epidemic disease in any prison which, there is reason to believe, might be due to contamination of the water supply, or if in the opinion of the Medical Officer, a special and immediate examination of drinking water is necessary, he shall communicate his opinion to the Director of Medical and Health Services, and that officer shall make his own arrangements to obtain the necessary samples for analysis.
- 28.10. Precautions to prevent contamination.**-Whenever there is reason to believe that any source, from where drinking water is obtained, is a source of contamination, it shall be treated at intervals of three days with Potassium Permanganate and other disinfectants, as may be deemed necessary, in consultation with the local health officer.
- 28.11. Supply of drinking water.**-All suitable arrangements shall be made to supply every inmate of a ward and cell with sufficient quantity of fresh drinking water through taps during day and night. It shall be the responsibility of the warder on duty to see that sufficient drinking water is available before the prisoners are locked-in, prisoners at work shall be supplied with an adequate quantity of drinking water. If water is to be stored, it shall be done in covered receptacles which must be thoroughly cleaned every day.
- 28.12. Supply of water to staff quarters.**-Adequate supply of water shall also be ensured to the residential quarters of the prison staff. Every officer occupying staff quarters shall be held responsible for the cleanliness of his premises. The officer in charge of a prison and the Medical Officer shall periodically inspect the staff quarters to check general cleanliness.

CHAPTER 29**MEDICAL ADMINISTRATION**

29.01. Prison Hospitals.— (1) Central and district prisons shall provide hospital accommodation for indoor patients, as far as practicable, for at least five percent of average daily inmate population.

(2) The prison hospital may be a part of the State Health Services and shall be under the supervisory control of the respective Civil Surgeon.

(3) The Medical staff shall be deputed as per following population brackets in each prison:

Sr.No.	Officers	Upto 500 inmates	500-1000 inmates	1000-1800 inmates	Above 1800 inmates
1.	Medical Officer (In Charge)	1	1	1	1
2.	Medical Officers	1	2	4	6
3.	Pharmacy Officers	1	2	4	5
4.	Staff nurses(Male/Female)	1	3	4	5
5.	Medical Laboratory Technicians	1	1	2	2

(4) As far as practicable, the following specialists shall be deputed at all prisons above 1500 population on permanent basis and at other prisons on visitation basis from the district hospital:

Sr. No.	Officers	No. of posts
1.	Psychiatrist	1
2.	Dentist	1

(5) In case of gynecologists, atleast one gynecologist may be deputed on permanent basis at special prisons for women, while at all other prisons having women barracks, one gynecologist may be deputed on visitation basis from the district hospital.

NOTE 1: The services of Medical Officers posted at prisons shall generally be counted in “Very Difficult Posting category (Category- D)” as per the State Health Services.

NOTE 2: The Medical Officer (In Charge) shall generally be a specialist in General Medicine, General Surgery, Orthopaedics, Dermatology, Psychiatry, etc.

29.02. Appointment of Medical Officers in prisons.—(1) There shall be a Medical Officer (In Charge) and the required number of Medical Officers in all Central

prisons, and one among them shall be a lady doctor if there is a female enclosure. There shall be Medical Officers in all district prisons, open air prisons and a lady doctor in women prisons.

(2) The Civil Surgeon shall appoint a Medical Officer (In Charge) for every prison as head of unit. During the absence of the Medical Officer (In Charge), officer in charge of prison shall in consonance with Civil Surgeon, appoint Medical Officer (In Charge) amongst other medical officers. These Medical Officers shall be under the operational control of the officer in charge of prison and shall be bound by all lawful orders passed by the officer in charge for day to day running of the prison, particularly the prison hospital. The administrative control of these medical officers shall lie with their parent department.

(3) The Medical Officer (In Charge) shall be assisted by the Medical Officers attached to the prison hospital. These Medical Officers shall be under the operational control of the officer in charge of prison, except while performing medical or clinical functions when they shall be subordinate to the Medical Officer (In Charge).

(4) All the medical staff shall wear white coats with name plates while on duty as specified by the Government.

29.03. Provision of ambulance.-Atleast one ambulance shall be provided in each prison hospital. In case of non-availability of ambulance, emergency response service like 108 shall be contacted.

29.04. Mobile medical vans.-The officer in charge of prison shall, as frequently as possible, arrange visit of Mobile Medical vans in the prison for medical examination of the prisoners.

29.05. Channel of communication.-The Medical Officer (In Charge) shall be the technical head of all the Medical Officers. He, along with his subordinates, shall be jointly responsible for the health-care of the prisoners. The officer in charge of prison shall be the operative head. All correspondence to the Head of Department or to the Director of Medical Services and Director of Medical Education shall be routed through him.

29.06. Duties of the Medical Officer (In Charge).-(1) He shall accompany the Head of Department during his inspection of the prison.

(2) The Medical Officer (In Charge) shall report to the officer in charge of prison on hospital matters.

(3) The duty of the Medical Officer (In Charge) consists of every matter connected with the health of the prisoners, their treatment when they fall sick and overall hygiene of the prisons.

- (4) If any epidemic or unusual sickness prevails, or any serious case of illness occurs, he shall visit the prison as often as may be necessary and record the facts and the reasons for it in his journal.
- (5) The Medical Officer (In Charge) along with his medical team shall be present, time of at the daily inspection or parade by the officer in charge of prison and then see every prisoner and carefully examine each one, paying special attention to any prisoner whose health condition is falling, or of skin disease. He shall also examine the prisoner's clothing, ventilation, drinking water and conservancy arrangements of the prison.
- (6) He shall at the same time examine the record of prisoner's weight, satisfy himself and see that the prisoners losing weight to any substantial degree are separately paraded and examined.
- (7) The Medical Officer (In Charge) or Medical Officer on duty shall be present for daily food inspection at community kitchen or langar along with officer in charge of prison and he shall certify in writing the quality and quantity of food and shall record it in his medical journal on daily basis.
- (8) The Medical Officer (In Charge) shall attend all members of the prison staff and their families residing in prison premises. He may depute the medical subordinate to do these duties and their treatment shall be recorded in the medical journal.
- (9) The Medical Officer (In Charge) shall examine all candidates for employment and the prison officers who may be sent to him by the officer in charge of prison for the purpose and shall certify in writing regarding their physical capacity and state of health.
- (10) The Medical Officer (In Charge) shall keep a journal in which he shall record every visit paid to the prison, the hour at which he entered and left the prison, the portions of the prison or types of prisoners visited, the number of the sick in hospital, the result of the daily inspection and any matter, which he so considers, shall be brought to the notice of the officer in charge of prison promptly and also record in his medical journal;
 - (i) Any defects or shortage in the food, clothing or bedding of prisoners, or in the cleanliness, drainage, sanitation, water supply or other arrangements of the prison which the Medical Officer considers likely to be injurious to, together with suggestions for the remedy of such defects.
 - (ii) Any occurrence of importance connected with the hospital administration and the apparent causes of the same and any observations, recommendations or directions regarding individual prisoner.

(iii) His Journal shall be sent immediately after each visit to the officer in charge of prison for the immediate issue of such orders.

(11) The Medical Officer (In Charge) shall submit punctually the prescribed returns and shall furnish any other information regarding the medical administration of the prison.

(12) During inspections of prison by superiors and audit by the Accountant General, the Medical Officer shall produce every register and record connected with the Medical Department of the prison.

(13) Any medicine(s) brought by inmates for treatment of an existing ailment at their own expenses shall be allowed only if accompanied by a prescription from a registered medical practitioner and upon verification of the same by the prison Medical Officer (In Charge) of the Medical Officer on duty. The Medical Officer (In Charge) shall make a record of such incoming medicine in a register maintained for such purpose.

29.07. Duties of the Medical Officer (In Charge).—(1) The Medical Officer (In Charge) shall visit the prison and shall see sick prisoners every day. He shall visit the prison even on Sunday and holidays and, whenever necessary. The examination of prisoners on new admission, examination of articles of food, examination of prisoners with reference to work, hospital management and general duties with regard to health and hygiene.

(2) The Medical Officer (In Charge) shall be responsible for the proper utilization of all medicines and medical diet. He shall see that medicines are kept under lock and key. He shall, from time to time inspect all the medicines kept in store to ensure purity and validity and shall regularly check the account of medicines purchased locally.

(3) The Medical Officer (In Charge) shall be responsible to see that all medicines, instruments and the like procured on annual indents are properly utilized for the use of the prisoners.

(4) The Medical Officer (In Charge) shall maintain register of expired medicines for disposal.

29.08. Stock verification.—The stock of drugs and instruments shall be checked and verified by the Medical Officer (In Charge) who shall give a certificate to the officer in charge of prison who in turn shall submit a report to the Head of Department twice in a year.

29.09. Medical staff.—(1) The Medical Officer and Paramedical staff shall be appointed in prisons by the respective Civil Surgeon of the district either permanently or temporarily.

(2) The leave may be granted to the Medical Officer and other paramedical staff by the Civil Surgeon on the recommendation of the officer in charge of prison concerned.

29.10. Medical staff shall not leave prison precincts without permission. –The Medical Officers, Pharmacy Officers, nursing staff or any other medical staff attached to prisons shall not leave the prison precincts without the general or express permission of the Medical Officer (In Charge).

29.11. Medical Officer to maintain report books.-(1) Every Medical Officer shall maintain a report book in which he shall record all matters of importance that he wishes to bring to the notice of the Medical Officer (In Charge).

(2) This report book shall be produced for inspection and orders of the Medical Officer (In Charge), who shall append his signature in the book daily.

29.12. Allotment of duties among Medical Officers.-(1) In prisons where there are more than two Medical Officers, the hours of duty shall be so distributed between them by the medical officer (In Charge) that atleast one Medical Officer shall be present in the prison round the clock.

(2) In prisons where there are two Medical Officers posted, the hours of duty shall be so distributed between them by the Medical Officer (In Charge) that atleast one medical officer shall be present in the prison from sunrise to sunset, while pharmacy officers shall be available round the clock. In case of emergency, one of the two Medical Officers shall be on call at night.

(3) In prisons where there is only one Medical Officer, he shall be available throughout the day, while pharmacy officers shall be available round the clock. In case of emergency, the Medical Officer shall be on call at night.

29.13. General duties of Medical Officer.-The Medical Officer shall-

(1) attend to any prisoner who complains or appears to be ill and have them moved to hospital or placed before the Medical Officer (In Charge) for examination as each case may require;

(2) give due attention to any sick prisoner reporting to the prison hospital for checkup and report to the Medical Officer (In Charge) all complaints made to him that have any bearing on the health of the inmates;

(3) cause the medical files of the inmates admitted to the prison hospital to be updated by the designated staff nurse or pharmacy officer on a daily basis. The Medical Officer shall counter sign the entries made in the medical files of the inmates admitted to the prison hospital on any particular day before relieving him from duty;

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- (4) be responsible to see that all medicines are properly arranged, labeled and put in a place of safety, to take proper care of the instruments and appliances in his charge, to see that sick prisoners are clean and tidy, that the hospital clothing and bedding is safely stored and kept clean, to allow no property in his charge to leave the prison premises and not to permit any convict attendant to handle instruments or distribute drugs whose misapplication may become harmful;
 - (5) satisfy himself that the special medical diet recommended for sick prisoners is prepared as per desired qualitative and quantitative standards and distributed in time. In case of any deficiency, he shall bring the same to the notice of the officer in charge of prison;
 - (6) be responsible for maintenance of order, cleanliness and discipline in the hospital and its enclosure and ensure that the Pharmacy Officer, nursing staff, assistants and attendants perform their duties properly and any excess or deficiency thereof is brought to the notice of the officer in charge of prison and shall also report any relaxation or violation of the rules;
 - (7) regularly, but not less than twice a week, examine the food prepared for the inmates before it is distributed and check whether the same has been hygienically and properly cooked and proper quantity and quality of ingredients have been added to each ration;
 - (8) bring to the notice of the Medical Officer (In Charge) any female prisoner whom he may suspect to be pregnant;
 - (9) report in writing to the officer in charge of prison, the necessity for the removal of any prisoner from the cell or ward on account of bodily or mental infirmity;
 - (10) examine all newly admitted prisoners and shall record in the admission registers and medical sheet, the particulars of health, work and the like. All particulars shall be recorded in the format prescribed by the National Human Rights Commission and such record must be preserved properly;
 - (11) vaccinate newly admitted prisoners as and when required and also infants admitted with their mothers or born in prison;
 - (12) bring promptly to the notice of the officer in charge of prison and the Medical Officer (In Charge) any case of suspected cholera or any other contagious or infectious disease that may appear amongst the staff or inmates of the prison;
 - (13) examine sources of water supply to bring to notice any defects with regards to its quantity or quality, to examine all tanks and vessels in which water is stored or conveyed and to prepare samples for analysis as and when required;

(14) inspect or supervise cleanliness of all places of residence of the inmates, particularly the toilets and urinals regularly and ensure that each facility is inspected atleast twice a week and necessary entry of the same is maintained in the concerned record. In addition, he shall atleast once in a month, inspect the surroundings of the prisons, especially the place and manner in which the garbage is disposed of by the prison. The responsibility for cleaning and maintenance of the facilities shall be of the designated prison staff;

(15) record each prisoner's weight at the time of admission in the concerned record. In case the factum of any prisoner losing weight to any noticeable extent, comes to the notice of, or is brought to the notice of the Medical Officer, he shall cause such prisoner to be paraded before the Medical Officer (In Charge) for necessary medical examination and treatment;

(16) ensure that the subordinate Medical Establishment is small or inadequate as compared with the number of prisoners or the medical work is heavy, he may recommend that an officer of the executive staff of the prison may be deputed by the officer in charge of prison to assist in recording weights. The Medical Officer shall, on the event of death of a prisoner, assist in the post mortem examination;

(17) provide medical aid to all members of the prison establishment and others living in the prison premises;

(18) keep watch in all matters affecting health of the prisoners such as -

- (a) overcrowding;
- (b) unsuitable, worn out or dirty clothing;
- (c) neglect of personal cleanliness;
- (d) undue exposure to weather;
- (e) unpunctuality of meals;
- (f) neglect to fresh air, damp and dirty dry or cleanse clothing and bedding;
and
- (g) unsuitable tasks.

In the event of any complaints, they must be reported to the Medical Officer (In Charge) or the officer in charge of prison immediately, and shall also note in his report.

(19) ensure that the prisons have a number of characteristics which are vulnerable to spread Sexually Transmitted Diseases and Human Immunodeficiency Virus infections. The prison population is inherently dynamic with admissions, releases and transfers, hence prone to spreading infections. Therefore, awareness camps

and sensitization programs must be held and staff too must be trained to advocate programs.

29.14. Record by the Medical Officer on admission and discharge of prisoners.—

(1) The health of every prisoner shall be described as either “good”, “bad” or “indifferent”. Prisoners on admission to a prison who are in immediate need of medical treatment shall be recorded as in “bad” health, unless suffering from trivial and temporary ailments. Under trials and convicts who are not fit for prison work, but who do not need hospitalization, shall be recorded as in “indifferent” health.

NOTE: If a prisoner is in “bad” or “indifferent health”, the Medical Officer must enter the cause of the disability in his history ticket and admission register.

(2) In addition to complying with the provisions of the Act, in regard to the admission, removal and discharge of prisoners, the Medical Officer shall record or cause to be recorded, under his superintendence—

- (i) at the time of the admission of every prisoner to the prison, in the admission register and history-ticket of such prisoner:
 - (a) the prisoner’s gender, age and weight;
 - (b) the state of the prisoner’s health;
 - (c) at least two identification marks on the body;
 - (d) last Menstruation periods or pregnancy status for female prisoner;
 - (e) if sentenced to labour, the class of labour if any for which the prisoner is, in the opinion of the Medical Officer, fit; and
 - (f) any other observations which the inspection of the prisoner may disclose and which shall, in the opinion of the Medical Officer, be recorded.
- (ii) If the medical officer has reason to believe that any female prisoner is pregnant, he shall report the circumstances to the officer in charge of prison.
- (iii) If any prisoner during the medical examination upon admission recognized to be a transgender, the Medical Officer shall record the fact and bring this to the notice of the officer in charge of prison.
- (iv) When a prisoner with injury is admitted into a prison, details of such injury shall be entered in the concerned record of the prison by the Medical Officer.

29.15. Pharmacy Officers.—(1) As far as practicable, only Pharmacy Officers who have passed the test prescribed by the Medical Department shall be employed in prisons.

(2) The Pharmacy Officers shall be posted to prison duty by the District Medical and Health Officer. They may be attached for a period generally not less than one year which may be extended at the option of the Pharmacy Officer and the officer in charge of prison concerned.

(3) Casual leaves may be granted to them by the officer in charge of prison in accordance with the rules relating to the grant of such leaves.

29.16. Duties of Pharmacy Officers.-(1) The Pharmacy Officer shall obey the lawful orders of the Medical Officer (In Charge) and the Medical Officer in all matters connected with the medical work and obey the officer in charge of prison and the Deputy Superintendent in other matters.

(2) The Pharmacy Officer shall be responsible for the safe custody of medicines and equipment, bedding and clothing of the hospital and for the proper supply of these articles to the patients in hospital according to the instructions of the Medical Officer (In Charge) and the Medical Officer.

(3) The Pharmacy Officer shall arrange to correct and proper dispensing of medicines and ensuring that almirahs are securely locked.

(4) He shall Keep the dispensary clean and tidy.

(5) He shall assist the Medical Officer in the maintenance of the health of the staff and prisoners by compounding and distributing medicines, vaccinating and weighing prisoners, performing clerical work, maintaining order and discipline in the hospital and by carrying out such other duties of a like character as may be imposed on him by the Medical Officer (In Charge) or officer in charge of prison.

NOTE: In prisons where there are more than one Pharmacy Officer, their duties shall be so arranged by the Medical Officer (In Charge) or Medical Officer that one or the other shall always present in the prison during day and night.

29.17. Nursing Staff. – (1) Nursing Staff appointed at prison shall obey the lawful orders of the Medical Officer (In Charge) or the Medical Officer in all matters concerned with medical work.

(2) During the night, each nursing order (whenever there is more than one) shall in turn be on duty inside the prison hospital round the clock to assist the Medical Officer.

29.18. Clinics and Labs for prison Hospitals.-(1) The following equipment or medical facilities, as far as practicable, shall be made available to all the Central prison hospitals, namely:-

(i) Dental clinic with all equipment;

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- (ii) Ophthalmology Clinic with all equipment;
 - (iii) Minor operation theatre with all surgical equipment;
 - (iv) Clinical laboratory;
 - (v) X-ray lab with dark room and equipment;
 - (vi) Physiotherapy unit with equipment;
 - (vii) Detoxification unit;
 - (viii) Psychiatric unit with equipment;
 - (ix) De-Addiction Clinic or Out Patient Opioid Assisted Treatment (OOAT) Clinic; and
 - (x) Counselling Centre;
- (2) All District Prisons shall have the following equipment, namely:-
- (i) Clinical Laboratory;
 - (ii) Counselling Centre;
 - (iii) De-Addiction Clinic or Out Patient Opioid Assisted Treatment (OOAT) Clinic; and
 - (iv) X-Ray Lab with dark room and equipment.

- 29.19. Examination of ill prisoners.**—(1) Every prisoner suffering from any disease shall be brought under the medical treatment, either as an out-patient or as an in-patient and his name shall be recorded in the appropriate register.
- (2) Every prisoner who is suspected as insane may be kept under observation in hospital. The number of prisoners under observation shall be recorded in the prison hospital roll and their treatment shall be noted in the Prescription Book. Suspects of insanity shall be referred to the psychiatrist for his opinion and evaluation.
- (3) The Medical Officer shall inspect the out-patients register daily, and shall order the admission to hospital of any out-patient, if necessary. The Medical Officer (In Charge) or the Medical Officer shall examine all out-patients at least once a week.
- (4) All the prisoners with minor ailments shall be treated as out-patients and the Medical Officer shall be responsible for all other cases of sickness to be admitted into hospital. In no circumstances shall cases of dysentery be treated as out-patients.
- (5) The Medical Officer shall visit all prisoners in hospital and those under observation daily and shall decide whether any prisoner shall be admitted into or

discharged from hospital. He shall record the names of the prisoners admitted into or discharged from the hospital in his hospital record register.

- 29.20. Bed head tickets and referral to outside hospitals.**—The number of the sick in hospital shall be recorded daily in the register of in-patients in the prison hospital. Their treatment and diet shall be recorded in the Bed Head Tickets. The prisoner who require treatment from specialist doctors shall be sent to outside hospitals where specialist services are available.
- 29.21. Case Books and Laboratory Register.**—(1) In addition to these records, there shall be a Case Book and a Laboratory Register. In the former, the history of every case admitted into hospital shall be recorded and in the latter, the results of microscopic and other examinations of blood, sputum, urine and feces, shall be recorded.
- (2) The entries in the Case Book shall usually be made by the Medical Officer, as symptoms appear or treatment is applied, although the Medical Officer shall add notes of his own observations or orders. The Medical Officer (In Charge) shall see the Case Book daily and put the initials regarding the entries of each case in token of having seen them.
- 29.22. Special attention to certain medical issues.**—(1) Special attention must be paid towards prisoners with Sexually Transmitted Diseases, Human Immunodeficiency Virus Positive and Acquired Immunodeficiency Syndrome victims and drug addicts.
- (2) A scientific de-addiction program for drug addicts must be implemented to cure the addicts and to restore them to society as useful citizens.
- 29.23. Treatment of prisoners suffering from Tuberculosis, Jaundice, Acquired Immunodeficiency Syndrome etc.**—Upon medical examination, prisoners who are found to be weak or suffering from Tuberculosis, Jaundice, Acquired Immunodeficiency Syndrome, Malaria, Hepatitis A, B and C, malnourishment, shall be given special attention by the Medical Officer. They shall be kept in close observation. The prisoners suffering from Tuberculosis, leprosy and Acquired Immunodeficiency Syndrome shall be registered in the district tuberculosis centre, district leprosy centre and Anti-Retroviral Therapy Centres (ART) respectively and shall be treated as per their advice. All prisoners suffering from communicable diseases shall be segregated and shall be provided with special diets as per the prescription of the Medical Officer (In Charge).
- 29.24. Prisoner with psychiatric problem to be kept separately.**—Prisoners showing signs of psychiatric problems, if they are dangerous, noisy or filthy, be kept in a separate cell. In such cases the Medical Officer (In Charge) shall record the

reasons for keeping the prisoners separately in his journal and consecutively bring into the notice of the officer in charge of prison.

29.25. Medical diet.-(1) The diet of prisoners in hospital is entirely under the control of the Medical Officer who may either keep the prisoner on the ordinary prison diet or may place him on one of the regular hospital diet, or may order any modification of the prison or hospital diet or any supplements he may consider necessary in consultation with the officer in charge of prison.

(2) An indent showing the number of hospital diets of each class supplements required, shall be sent not later than 9 a.m. daily to the ration officer and care shall be taken that diets reach the prisoners promptly. Emergent indents may, in cases of urgency, be sent at once, but may be avoided except in cases of necessity.

(3) Hospital diets requiring special preparation shall be cooked in the kitchen and the Medical Officer shall examine these diets frequently and satisfy himself by weight that the full quantities of the prescribed articles are present and they are well cooked.

(4) Special care shall be taken with such articles which are liable to be adulterated or stolen, such as milk, fresh milk etc.

(5) The Medical Officer may prescribe extra diet and fruits to Acquired Immunodeficiency Syndrome and Human Immunodeficiency Virus Positives, Tuberculosis, Hepatitis C patients or any other patient as he may deem necessary.

29.26. Hospital Clothing and Bedding.-(1) Every prisoner shall on admission to hospital be supplied with hospital clothing and bedding, his convict clothing and bedding be withdrawn and returned to him on his discharge from hospital. Care shall be taken that the clothing and bedding are changed frequently for the purpose of cleanliness and all clothing and bedding is thoroughly disinfected.

(2) Every patient in hospital shall be provided with a proper mattress, pillow and white sheets. An epileptic shall be provided with a mat of a thicker pattern and shall sleep on the floor. All prisoners suffering from malarial fever shall be provided with mosquito nets.

(3) The quantities of clothing and bedding required for hospital use shall be reported well in time by the Medical Officer to the officer in charge of prison, who shall include them in the general indent of prison clothing submitted for the sanction of the Deputy Inspector General (Circle). For articles other than diet, clothing and bedding, the Medical Officer shall indent by letter or by entry in his journal.

29.27. Emergency purchase of medicines.-In cases of exceptional illness and in order to meet extraordinary demands, the officer in charge of prison, on the

recommendation of the Medical Officers is authorized to purchase medicines duly following codified provisions.

29.28. Prisoners as Nursing Orderlies.-(1) For the purpose of attendance on the sick, a few well conducted convicts of some education and long sentence shall be selected by the officer in charge of prison in consultation with the Medical Officers and trained as Nursing Orderlies.

(2) The number of convicts employed as Nursing Orderlies shall ordinarily be in the proportion of one for every ten patients. At the times of epidemics and other emergencies, this proportion may be increased.

29.29. Transfer of prisoner to civil hospital in case of serious illness.—Where, as per the advice of Medical Officer, it is necessary to shift a convict or under trial prisoner to a hospital outside the prison for operative or other emergency treatment which cannot properly be given in the prison itself, the following procedure shall be followed—

- (i) the orders of Deputy Inspector General (Circle), shall be obtained in cases in which convict or under trial is to be admitted to an outside hospital for inpatient treatment provided that in emergent cases the officer in charge of prison is authorized to anticipate the sanction of the Deputy Inspector General (Circle), though where he does so, he shall make an immediate report to the Deputy Inspector General (Circle).
- (ii) In cases in which the convict or under-trial is taken to hospital for treatment as an outpatient only for examination, the officer in charge of prison is empowered to authorize the visit himself. He is, however, required to report the matter for the information of the Deputy Inspector-General (Circle).
- (iii) The discretion given to the officer in charge of prison to anticipate the sanction of the Deputy Inspector-General (Circle), does not apply to cases in which it is proposed to shift a prisoner to a hospital in another station. In such cases the orders of Deputy Inspector-General (Circle) must be obtained in advance.
- (iv) In all cases in which a prisoner is shifted to a hospital for the purpose of an operation, the shift shall take place as close as possible to the time fixed for the operation and the prisoner shall be brought back to the prison hospital as soon as this can conveniently be done.
- (v) The officer in charge of prison concerned shall inform and write to the District Superintendent of Police concerned to provide sufficient police guard for guarding the prisoner sent to the hospital. The District Superintendent of Police shall replace the warder guard, by a police guard as soon as possible,

in view of the danger of escape or rescue.

- (vi) All expenses incurred by the hospital authorities in connection with the treatment of prisoners from prisons shall be borne by the prison department.

29.30. Transfer of a High Risk prisoner to civil hospital in case of serious illness.-

Where, as per the advice of Medical Officer of prison, it is necessary to shift a high risk prisoner to a hospital outside the prison for operative or other emergency treatment which cannot properly be given in the prison hospital, the following procedure shall be followed:-

- (i) the concerned prison control room shall immediately report the demand of police guards to district police control room;
- (ii) the officer in charge of prison shall, inform through telephone and consecutively in writing, to District Superintendent of Police for immediate deployment of sufficient police guards for such movement and guarding in civil hospital;
- (iii) In case the situation demands immediate movement and the police guard deployment is taking time, the prison personnel shall be deployed along an officer of rank of Assistant Superintendent with necessary arms and prison van. As far as practicable, a Public Call Response (PCR) vehicle from the nearest police station shall be attached for escorting such movement;
- (iv) the officer in charge of prison is empowered to authorize the visit himself. He is, however, required to report the matter to the Head of Department along with copy to the Deputy Inspector General (Circle).

29.31. Where, as per the advice of Medical Officer of prison, it is necessary to shift a high risk prisoner to a hospital outside the prison for planned check-up or medical follow-up prior intimation to the Head of Department along with copy to the Deputy Inspector-General (Circle) is necessary, the officer in charge of prison concerned shall inform and write to the District Superintendent of Police concerned to provide sufficient police guards with sufficient arms and vehicle for guarding the prisoner sent to the hospital.

NOTE: For the purpose of determining the category of a prisoner as “High Risk Prisoner”, Chapter 20 on High Risk Prisoners of these rules shall be referred.

29.32. Prisoner in special cases to get outside treatment at their own expenses.-

(1) An undertrial prisoner may be allowed, in special cases under the order of concerned court, for treatment by an outside specialist at his own expenses. The intimation regarding such movement shall be brought to the notice of the Deputy Inspector-General (Circle).

(2) A high risk undertrial prisoner may be allowed, in special cases under the order of concerned court, for treatment by an outside specialist at his own expenses. The officer in charge of prison is required to report the matter for the information to the Head of Department alongwith copy to the Deputy Inspector-General (Circle).

(3) Where a convict prisoner is willing to be treated on his own expenses, the following procedure shall be followed-

- (a) the Medical Officer shall report the brief medical recommendation on application of the concerned convict to the officer in charge of prison;
- (b) such recommendation shall be forwarded to the Civil Surgeon, who shall verify the recommendation;
- (c) the verified recommendation along with convict's application shall be communicated to the Head of Department alongwith copy to Deputy Inspector-General (Circle) both in case of a normal or High Risk convict;
- (d) the Head of Department shall examine the case and can give assent for such transfer;
- (e) In the case of approval, the officer in charge of prison concerned shall inform and write to the District Superintendent of Police concerned to provide sufficient police guards with arms and vehicle for such transfer.

29.33. Treatment of Malingerers.-If the Medical Officer is of opinion that a prisoner is malingering, he shall at once report the fact to the officer in charge of prison. No treatment shall be given to prisoners feigning illness. Treatment for other than curative purpose is strictly prohibited.

29.34. Treatment of prisoners on hunger strike.-(1) Prisoners on hunger strike shall be dealt with sensitively, food shall be supplied regularly, if necessary forcible feeding shall be administered and daily report must be sent to the higher authorities in such cases.

(2) It is the duty of the prison authorities to do what they reasonably can, to keep prisoners in their charge in health, where therefore, on account of hunger strike a prisoner is likely to cause his own death, the Medical Officer may, in his discretion, at such stage as he thinks fit, direct that the prisoner be forcibly fed, if in his opinion, it is the only means of keeping him alive. Forcible feeding shall not be attended with unnecessary violence. Until the stage at which forcible feeding is necessary, is reached, food approved by the Medical Officer shall be regularly placed at the side of the hunger striker for his consumption and shall be renewed periodically.

- 29.35. Invalid Group.**—The invalid group shall consist of:
- (i) those who by age or bodily infirmity, are physically and permanently incapacitated for the performance of prison work, these shall be permanent members of the group;
 - (ii) those who have been discharged from hospital as convalescent, but are temporarily unfit to perform prison work;
 - (iii) convicts other than those permanently incapacitated for prison work or lately discharged from hospital or suffering from any active disease, those found to be steadily falling in weight and those are anemic shall be fit for light prison work only;
 - (iv) prisoners of the invalid group shall be given some light work suited to their strength and shall, as far as possible, be kept together for the purpose of diet and observation, both by day and night. A register in this regard shall be maintained and no prisoner shall be placed in or discharged from this group without the permission of the Medical Officer (In Charge). They shall be examined daily by the Medical Officer and once a week by the Medical Officer (In Charge).
 - (v) The Medical Officer may recommend any special diet for any prisoner of the invalid group and every prisoner, not being a patient in hospital, who receives special diet on medical recommendation, shall be brought on the invalid group register.
- 29.36. Vaccination.**—(1) Every prisoner admitted to prison as far as possible shall be vaccinated on admission or soon afterwards for prevalent epidemics.
- (2) Prescribed and timely vaccination shall be given to the female prisoners, new born babies and the mothers.
- 29.37. Epidemics-precautionary measures.**—(1) When epidemic disease is present in the vicinity of a prison, contact between the staff and the infected locality shall be prevented. The prisoners received from such districts shall be carefully examined and thoroughly disinfected before admission into prison. They shall then be segregated and treated for a period of not less than ten days or in such manner as the Medical Officer may deem fit.
- (2) Utmost care shall be taken that all prisoners employed in cleaning a ward in which case of epidemic diarrhea, cholera, plague, swine flu etc. has occurred, or who have been in contact with the patient after the first symptoms appeared, are retained under medical observation in a separate building. These disinfecting parties shall, as far as possible, be selected from among those prisoners who have been

confined in the same ward or barrack in which the case of epidemic disease has appeared.

(3) The barrack in which a case occurs shall be immediately vacated and other accommodation to be found for the inmates, who shall be kept together and on no account mixed up with the other prisoners. The vacated barrack shall be thoroughly disinfected.

(4) Drinking water shall, on the recommendation of the Medical Officer, be thoroughly boiled. Care shall be taken that sufficient appliances are provided and there is adequate control to ensure proper boiling.

(5) The general condition of the prisoners shall be carefully watched in order to detect incipient cases. Convict watchman shall be required to report at once any sign of sickness and a prisoner visiting the latrine more often than usual shall be placed under observation.

(6) Special attention to the cleanliness of prisoners and their clothing shall be enforced. The water used for washing shall not be allowed to remain within the prison.

(7) The clothing and bedding of the inmates of an infected ward shall be either immersed for 30 minutes in boiling water or steeped in disinfectant solution and then dried and returned to them after they have bathed. Hospital clothing and bedding used by infected patients shall be burnt using suitable equipment.

(8) The first occurrence of a case of dengue, cholera and swine flu shall be at once reported through fax or any other authorized mode to the Head of Department through the Deputy Inspector General of prisons and this shall be supplemented on the same day, by a detailed written report, stating the circumstances of the case and the measures taken to arrest the spread of the disease.

(9) Whenever epidemic sickness prevails in a prison a daily report shall be furnished to the Head of Department. In this report, the Medical Officer shall briefly note the progress of the epidemic, the measures he is taking to arrest it and any information he may consider important. A copy of this report shall also be sent to the Director of Medical and Health Services.

(10) The Head of Department, in consultation with the Director of Medical and Health Services, may call for an epidemiological inquiry or report whenever he considers such a course advisable.

29.38. Prisoner received from an area where the outbreak or spread of a contagious disease has occurred.—The prisoner admitted from an area of outbreak shall be kept under special medical observation for a period as advised

by the Medical Officer from time to time (one or two weeks after admission), in order that the effect of imprisonment and prison diet upon them may be noted and further spread can be prevented.

29.39. Death in custody.—(1) The deaths of all prisoners whose fingerprints have been taken and if known in prisons, shall be intimated immediately to the Finger Print Bureau.

(2) When a military prisoner dies in prison, immediate report thereof shall be given to the Commanding Officer who sent him to the prison.

(3) When a foreign prisoner dies in prison, immediate report shall be sent to the District Magistrate of the district and the Director General for further communication to the Government. The Government shall inform the embassy or the appropriate authority about the death.

(4) Where a female prisoner dies in prison and leaves a child behind, notice shall, at once, be sent to the District Magistrate of the district who shall make arrangements for further care of the child as may be deemed fit.

(5) Where a prisoner dies in prison, his warrant shall be returned to the court from which it was issued with an endorsement certifying the cause and date of death. Where a remand or an under-trial prisoner dies in prison, the court or courts in which the case or cases are pending against the deceased shall, immediately be informed of the fact of death in writing.

29.40. Intimation to inquiring Magistrates and police officers.—An intimation of all deaths, including that of children residing with female prisoners, occurring from whatever cause in the prison shall be sent to -

- (i) the nearest Magistrate empowered under sub-section (4) of Section 174 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) to hold inquests;
- (ii) the officer in charge of the police station having jurisdiction, who is required to make a preliminary investigation;
- (iii) National and State Human Rights Commission within 24 hours of death; and
- (iv) the body of the deceased prisoner or the deceased child of the female prisoner shall be kept for inspection and orders of the officer holding the inquest.

29.41. Report on death of prisoner.—A full report on the circumstances of the death of a prisoner shall be sent by the officer in charge of prison without any delay to the Head of Department for submission to the Government. The reports made by the police and Magistrate, the nominal roll, copies of judgements, the reports

required by section 15 of the Act and the deposition of witnesses with the report, shall be submitted. The post-mortem examination shall be videographed as per the guidelines of the National Human Rights Commission.

29.42. Duties of Medical Officers in the event of death of prisoner.-(1) In the event of the death of any prisoner, the Medical Officer shall examine the body of the deceased prisoner so that he may, in every case, be in a position to certify to the fact and cause of death.

(2) The record required under the Act shall be made by the Medical Officer in the case book.

29.43. Disposal of dead body.-(1) The dead body of any prisoner hanged to death (death sentence) in prison not likely to result in a public demonstration. At the request of his friends or relatives willing to perform the funeral of the deceased in writing, shall be handed over to such friends or relatives.

(2) (a) When a prisoner dies in a prison, the officer in charge of prison concerned shall immediately inform the fact to the relatives mentioned in the records of the prisoner. If such relatives claim the dead body within 24 hours in case he is a resident of the same district or within 72 hours in case he is residing outside the district, the dead body may be handed over to the relatives, subject to the condition that the removal of the dead body not likely to be made an occasion of a public demonstration.

(b) If, however, the relatives or friends do not respond and do not claim the dead body of a prisoner, the officer in charge of prison shall communicate District Magistrate and Civil Surgeon to arrange for the disposal of the same.

(c) If the relatives of the prisoner are from the Below Poverty Line category, actual transport cost shall be paid for transportation by the officer in charge of prison performing funeral after due verification of their real status if they plead for support.

(d) Unclaimed bodies of prisoners, dead or executed, shall be sent by the officer in charge of prison to the nearest hospital for proper disposal of bodies.

29.44. Periodic health camps.-The officer in charge of prison, in consultation with the Civil Surgeon, shall organize health camps on a periodic basis (generally once in every three months) or as required for conducting a thorough check up of all the prisoners for any health related issues. For this purpose, the Civil Surgeon shall ensure the deputation of a team of specialist doctors. Arrangement shall be made

to provide special treatments to those prisoners who have been identified as sick and need special attention.

NOTE: In case a medical camp is being organized with the help of a private institution or charitable organization, a prior formal approval of Civil Surgeon is mandatory.

- 29.45. Free of cost medical treatment including medicines.**—The prisoner shall be entitled to free medical treatment and attendance in the prison. He shall be given medicines free of cost along with instructions for their use by the Medical Officer or his representative.
- 29.46. Bio-medical waste management.**—The Medical Officer (In Charge) shall advise the officer in charge of prison to make suitable arrangements for proper disposal of bio-medical waste generated in the prison, particularly the prison hospital. He shall ensure that the prison hospital is registered with a suitable agency identified for collection and disposal of bio-medical waste, in accordance with the guidelines of the State Pollution Control Board.
- 29.47. Maintenance of medical registers and forms.**—Only the cases of sick prisoners shall be entered in any of the prescribed Medical Registers. If any prison official receives treatment, a separate record may be kept in the following manner, namely:—
- (i) The In-patient register shall be maintained under the control and responsibility of the Medical Officer, who shall himself enter the details of the patient's disease in accordance with the revised nomenclature of diseases described in the Monthly Return of sick prisoners.
 - (ii) In the Out-patient's Register, the prescribed details of all prisoners under treatment for such minor ailments as do not render admission to hospital necessary, shall be entered.
 - (iii) The hospital roll of sick prisoner's diets and extra diets shall be maintained.
 - (iv) In the prescription book, every prescription issued for prisoners under observation shall be entered.
 - (v) The prescriptions for out-patients and prisoners on the convalescent gang may be entered in a separate book.
 - (vi) Any other register as the Medical Officer (In Charge) deems necessary.
- 29.48. Security of Medical staff.**—It shall be the duty of the officer in charge of prison to provide adequate security to the medical officers and staff while they are performing their duties in the prison premises.
- 29.49. Multi-Speciality Prison Hospital.**—(1) A multi-speciality prison hospital of the level of a district hospital shall be established for secondary medical care of

prisoners at Central Prison, Faridkot or any other prison as the Government may specify from time to time with following objectives:

- (i) it shall cater the need to provide secondary treatment to prisoners lodged in various prisons of the State;
 - (ii) to restrict and minimize the movement of prisoners for treatment to outside hospitals;
 - (iii) to reduce the burden on exchequer for treatment of prisoners from outside facilities.
- (2) Such multi-specialty prison hospital, as far as possible, shall have Medical Officers with specialisation in General Medicine, General Surgery, Orthopaedics, Dermatology, Psychiatry, Dentistry, Gynaecology etc.
- (3) Such hospital shall have a well-equipped diagnostic laboratory of the level of district level hospital.
- (4) Such hospital shall have all the amenities required for smooth running of a district level hospital.

CHAPTER 30

EDUCATION OF PRISONERS

30.01. Educational programme to be developed for prisoners.—The Director General shall be responsible for ensuring that an educational programme is developed for prisoners in each prison so as to facilitate the process of their socialization and rehabilitation. He may involve State Education Department and Non-Government Organizations in the development of educational programmes. The successful implementation of the educational programme shall be the duty of the Deputy Inspector General, Prisons (Circle) and the officer in charge of prison. The educational programme shall consist of physical and health education, academic education, social education, vocational education, moral education and cultural education. As far as practicable, the education programme of the prisoners shall be integrated with the educational system of the State so that after their release they may continue their education without difficulty.

30.02. Educational programmes to be organised at different levels.—(1) Prisoners shall be classified on the basis of their academic or educational qualifications and their aptitude for further learning at the time of admission in the prison. It may be made compulsory for each prisoner to sit in educational classes, arranged as per their qualification, for at least two hours in the day, preferably in the morning hours.

(2) The classification committee and educational personnel shall together decide the amount of time to be devoted for academic education, vocational education and work for each inmate. As there shall be variations in the educational level, intelligence and interests, diverse educational programmes may be organised for different groups of inmates. The education programmes shall be organised at different levels, namely:—

- (i) for the beginners and illiterate inmates;
- (ii) for prisoners who are primary pass but middle fail;
- (iii) for prisoners who are middle pass but matric fail;
- (iv) for prisoners who are matric pass and above.

On admission to the prison, the level of education of the prisoner shall be assessed on the basis of their reading and writing ability. Based on their aptitude to follow further studies and their social background, vocational education programmes shall be designed for them.

NOTE 1: Education of illiterate young and adult prisoners shall be compulsory.

NOTE 2: It shall be made compulsory for each prisoner whether convict or under trial to sit in the educational classes, arranged as per their

qualification, for at least two hours in the day, in the morning hours.

(3) If a prisoner, who was pursuing studies before his imprisonment, expresses his intention to continue his studies and appear for an examination of any Board or University or institution, the officer in charge of prison shall ensure that due facilities are provided to him. He shall be allowed to receive books and writing material from his friends and relatives from outside or purchase books and such materials out of his personal cash kept in the custody of the prison or at Government expenses. Such facilities may also be extended to a prisoner who has given up his studies before his imprisonment, but expresses his intention to proceed with it with a view to appear in an examination conducted by any Board or University or other statutory body or a recognized institution.

30.03. Special educational programme for life convicts.—The officer in charge of prison with the assistance of Deputy Inspector General, Prisons (Circle), the Director General and Non- Government Organizations shall ensure that on admission of a life convict in a prison, a comprehensive, social and psychological study is made for the purpose of designing suitable diversified educational, training and treatment programme for him.

30.04. Personnel and equipment.—The following personnel and equipment for educational programme for prisoners shall be provided, namely:—

- (i) Teachers shall be posted to the prison on transfer or deputation basis or through any other means approved by the Government from time to time. Inmates, who are educated and whose conduct has been good, shall be given training in imparting education to others. These trained inmates shall assist the regular teachers in organizing diversified educational programmes. The services of retired teachers or Non- Government Organizations may also be obtained in running the educational programmes.
- (ii) Necessary equipment for education like books, stationery, writing material, furniture etc., shall be provided at the Government cost. In each prison, a building shall be earmarked or constructed as a school for carrying out educational activities. Buildings and areas for educational programmes may be earmarked in accordance with the minimum standards as fixed by the Education Department for similar purposes.
- (iii) Study or examination centres of National Institute of Open Schooling or Indira Gandhi National Open University shall be established in every central or district Prison. The strength of educational personnel shall be fixed in accordance with the inmate population and the educational programmes to be organized.

- (iv) The help of educated prisoners must be liberally obtained for carrying out educational programmes and the educated prisoners, who help the prison administration in conducting educational programmes, shall be given wages or honorarium by the prison authorities.
- (v) Audio-visual aids or equipment shall be used for educational purposes.
- (vi) The lodging arrangement of prisoners may also be done as per their educational requirements so that suitable environment is created in the barrack or cell to enable them to carry out the assignments as far as practicable.
- (vii) All the expenses for the educational needs of the prisoners shall be borne by the Government as far as practicable.

NOTE: There may be remission benefits for convicts showing exemplary performance in educational programs.

30.05. Concessions to prisoners.-The following concessions shall be given to prisoners for pursuing their higher education, namely:-

- (i) at the end of each educational project, examination of all inmates shall be conducted. These tests or examinations may be conducted inside the prison by the Education Department or National Institute of Open Schooling or Indira Gandhi National Open University.
- (ii) no fees including examination fee, may be charged from students/ or inmates appearing in various examination. Cases to brilliant students or inmates must be recommended to Education Department and other agencies for grant of scholarship.

30.06. Nature of an educational programme.-The educational programme may consist of:

- (i) physical including yoga and health or hygiene education;
- (ii) academic education;
- (iii) social education;
- (iv) vocational education;
- (v) moral and spiritual education;
- (vi) cultural education;
- (vii) computer education; and
- (viii) legal education or awareness.

- 30.07. Liaison.**-Each prison shall establish liaison with the Department of Education or National Institute of Open Schooling or Indira Gandhi National Open University and other approved educational institutions for obtaining educational material and other help.
- 30.08. Library.**-The following facilities in prison library may be provided, namely:-
- (i) books in the library shall cater to the needs of different educational standards, satisfaction of intellectual needs and development of knowledge of the inmates;
 - (ii) the prison library shall be properly equipped with books, magazines and newspapers and the same shall be issued to the prisoners. Prisoners shall be encouraged to develop reading habits;
 - (iii) a Librarian shall be employed for the management of books and other reading material and the help of educated prisoners could also be obtained, under the supervision of the Librarian, to run the library. The Librarian shall arrange for and make available books on various subjects for satisfying the needs of prisoners. The Librarian shall keep details of books and periodicals available in the library subject or title wise for use by prisoners and for the information of the officer in charge of prison.
- 30.09. Schools for young offenders.**-(1) Every prison shall have a regular school where young offenders can attend regular classes in shifts. This school could be a branch of any Government school being run by the Education Department of the State, the Education Department providing teachers, equipment and material for teaching young offenders. The school may provide education for primary, secondary and senior secondary levels. It shall be mandatory for each young offender to attend classes. The staff posted in the prison may be paid special incentive for maintaining prisoner's interest in attending school.
- (2) The prisoners who pass various examinations shall be given certificates as are given to students studying in regular schools. Care must be taken to ensure that there is no mention of the young offender's imprisonment on such certificates.
- 30.10. Accountability.**-It shall be one of the primary responsibility of the officer in charge of prison and other prison personnel that the programme of education is implemented in its proper spirit. The success or failure of the programme, and the extent of the educational activities in each institution, shall be one of the principal factors on which the performance of these officers shall be evaluated.

CHAPTER 31

VOCATIONAL TRAINING AND SKILL DEVELOPMENT PROGRAMMES

31.01. Objectives of Skill Development Programmes and Vocational Training.-

(1) Every prison under the supervision and guidance of prison headquarters shall undertake vocational training and skill development programs with the following objectives for imparting discipline and work culture among inmates by:

- (i) developing right attitudes towards work and dignity of labour;
 - (ii) promoting:
 - (a) physical and mental well-being of inmates;
 - (b) proper development of mind through intelligent manual labour;
 - (c) spirit of fellowship and a cooperative way of living; and
 - (d) a sense of group adjustment.
 - (iii) developing the capacity for sustainable hard work;
 - (iv) forming habits of concentration, steadiness, regularity and accuracy in work;
 - (v) imparting and improving work-skills;
 - (vi) awakening the self-confidence and self-reliance of inmates;
 - (vii) training and preparing inmates for achieving long lasting social re-adjustment and rehabilitation;
 - (viii) imparting an occupational status and thus creating a sense of economic security among inmate;
 - (ix) engaging inmates usefully employed in meaningful and productive work;
 - (x) preventing idleness, indiscipline and disorder amongst them; and
 - (xi) maintaining a good level of morale amongst them and thus promoting a sense of self, as well as institutional discipline among them.
- (2) The State shall have a clear policy for skill development programmes and vocational training of prisoners. The policy shall incorporate the following, namely:-
- (i) wherever possible in larger prisons, an industrial training institute shall be established and where it is not possible to establish one, the help of local industrial training institutes could be obtained in training the prisoners;
 - (ii) vocational training and skill development programs shall be integrated with skill development mission of the Government;
 - (iii) any other Government program working on vocational training and skill development shall also be extended to prisons;

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- (iv) prison industries shall be developed as centres for skill development and vocational training and the Government shall provide assistance for development of prison industries;
 - (v) the Government shall make suitable policy or issue Government order for insuring preferential purchase of articles produced in prisons by various Government departments directly without having to follow open or limited tender process;
 - (vi) cost of all vocational training and skill development courses shall be borne by the Government; and
 - (vii) Non-Governmental Organizations shall be allowed to run vocational training and skill development courses in prisons.
- (3) A Directorate of Skill Development Programme and Vocational Training, under the chairmanship of the Chief Welfare Officer shall be set up at the prison headquarters and vested with full fiscal and administrative powers. The function of the Directorate shall be to -
- (i) plan and implement programmes of skill development and vocational training;
 - (ii) arrange funds required to run such programmes;
 - (iii) fix a policy of production;
 - (iv) examine the economic aspects of the skill development programmes;
 - (v) put prison skill development programmes on a sound commercial footing;
 - (vi) ensure coordination at all levels;
 - (vii) evaluate the performance of the skill development programme in every institution;
 - (viii) introduce new practices and procedures of modern management of production;
 - (ix) guide, supervise, direct and control all matters relating to institutional skill development programmes and vocational training;
 - (x) organise workshops in after-care homes for released prisoners;
 - (xi) promote marketing of prison products in society;
 - (xii) In consultation with the Ministry of Skill Development and Entrepreneurship, the Government of India may identify certain suitable trades for the inmates to be trained so that once they are released, they may be gainfully employed.

31.02. Vocational training.—(1) Vocational training programmes, in self-employing trades and occupations, shall be organized in every Central and district prison for

employable convicts:-

- (i) such programmes may be open to under-trial prisoners who voluntarily to undergo such training after testing their vocational ability;
 - (ii) the prison shall have adequate staff for efficient organization of various training projects. It shall be properly equipped with training aids and classrooms for conducting multifarious projects to suit the training needs of its inmates;
 - (iii) the prison shall have a properly defined organization for training projects in terms of formation of homogeneous groups and setting down routine and time schedule of project;
 - (iv) the cost incurred in the training projects, expenditure on staff, equipment and material shall be treated as essential investment for the purpose of training and resettlement of offenders and shall be borne out of Government funds; and
 - (v) special emphasis shall be given to vocational training of young offenders, young adult offenders, and others who may derive benefit from the training projects.
- (2) Qualified technical personnel shall be appointed in adequate numbers in every production unit and for every programme of vocational training. Such personnel could be posted in the prison on a transfer-cum-deputation basis and through any other means approved by the Government from time to time from the industrial training institutes of the State and in case unavailability of such personnel warders can be trained as technical personnel.
- (3) Vocational training programmes shall be designed to suit the needs of prisoners sentenced to short, medium and long term imprisonment.
- (4) Active linkages shall be established with the Department of Technical Education, Directorate of Industries (including cottage industries), Industrial Training Institutes, polytechnics and vocational training institutions as well as approved Non-Government Organizations to develop vocational training programmes on a practical and pragmatic basis.
- (5) On the completion of vocational training courses, inmates may be examined by the Department of Technical Education of the State or Centre Government and on passing the examination, they shall be awarded a regular certificate or diploma by that department.
- (6) As a measure of incentive, inmates demonstrating good progress in skill development programmes and vocational training, may be allowed to visit important

undertakings and other Government owned industries.

(7) The prison industry shall be given preferential treatment in the matter of granting permission to run various industrial or production units by the Government.

31.03. Vocational training projects.—Vocational training projects shall be designed in the following areas, in accordance with the rehabilitation needs, namely: -

- (i) small scale industries;
- (ii) cottage and village industries;
- (iii) essential service and maintenance units like plumbing, electrical, etc.;
- (iv) agro based industries and allied fields;
- (v) modern industries or commercial units through Public Private Partnership (PPP); and
- (vi) maintenance work of prisons department or any Government buildings or premises.

31.04. Teaching methodology.—Techniques through classroom instructions, practical demonstrations, visual education shall be the module. These techniques shall be based on the methods followed in technical and vocational training institutes.

31.05. Prison industries and skill development programmes.—(1) The prison industries shall be organised on business-cum-commercial basis. Preference to prison products, while purchasing articles for office use, shall be given by the various Government departments. The Prison products shall be promoted for use by public in their daily life.

(2) The skill development programmes may also include essential institutional maintenance services like culinary, sanitary and hygienic services, prison hospital, other prison services, repairs and maintenance services. The Prisoners may also be employed in the service of maintenance and construction of prison buildings.

(3) The prison skill development programmes shall consist of services required by the community such as construction work, masonry, carpentry, plumbing, electric fitting, tailoring, fabrication of ready-made garments, leather work, driving, agriculture, horticulture, dairy, poultry, floriculture, maintenance of diesel engines, maintenance of electric pumps, tractor repairing, automobile servicing and repairing, cane work, basket making, pottery, book binding, typing, computer-operating, handicrafts, stenography, cloth printing, carpet making, embroidery, hosiery, bakery, namkeen making, paper making, printing, tailoring, weaving, soap making, candle making, toy making, sewing machine repair, food processing.

(4) Every prisoner, on being first put to do any kind of work with which he is not

acquainted, shall be allowed a reasonable time to acquire the necessary skills, to enable him to perform the task. Mental capabilities and physical capacities of a person must be taken into consideration. The time shall vary from a few days to three to four months. In every case, when allotting new work, the officer in charge of prison or subject to his control, the Deputy Superintendent (Factory) shall note the task of a prisoners when he begins and subsequent progress, in his history ticket.

(5) Every inmate shall be given training and work experience in the use of hand tools in different services, jobs and production units.

(6) Every prisoner sentenced to undergo simple imprisonment who opts to do labour shall ordinarily be employed on hard labour of a kind that is most suitable for him and for which he is fit for time being. No convict shall be put on medium labour if he is fit to perform hard labour, or on light labour, as long as he is fit to perform either hard or medium labour.

(7) No consideration of profit or convenience shall be permitted to influence the class or form of labour which any convict sentenced to undergo rigorous imprisonment is at any time required to perform. It shall be fixed with reference solely to the health of the convict and the regulations of the prison regarding the employment of prisoners.

(8) A standard list of equipment, tools, accessories and spare parts, which each production unit needs, shall be prepared and maintained by the officer in charge of a prison.

(9) In every institution there shall be a separate, properly organised and maintained workshop to repair the machinery and equipment in time to prevent any kind of breakdown. There shall be preventive maintenance routine for all the machinery installed in the prison.

(10) Products manufactured by prison industries shall be varied or changed depending on market trends and demands.

(11) Prison employees may be deputed by the officer in charge of prison for promotional or publicity of prison products.

(12) The organisation of accounts and inventory shall be modernised on business lines from time to time.

31.06. Standardisation of products.—(1) Various products of prison industries shall be standardised. A handbook containing details of standardisation and the manufacturing process of various production units, shall be prepared for the guidance of prison personnel.

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- (2) Catalogues of standardised products of prison industries shall be prepared for securing orders from the market for various production units.
 - (3) Technical supervision shall be improved and a system of quality control shall be applied at every stage of production so that market competitiveness can be maintained. Profit making and rent seeking shall not be the motive behind functioning of prison industries. The real motives shall be gainful engagement and skill enhancement of prisoners for increasing their employability upon release.
 - (4) The costing of prison products shall be done on a rational basis taking into account the various limitations and handicaps of prison
 - (5) The showrooms shall be opened outside the prison gates and at other places, for promoting sale of products of prison industry. A brochure shall also be kept in which information is provided to the public about the products being sold along with their rates. Proper branding and Advertisement of prison products shall be done using appropriate means.
 - (6) Prisoners who have been released and are found suitable shall be employed in show rooms and prison product outlets, as far as possible.

31.07. Prisoners to be trained in farming and agriculture.—(1) A sufficient area of land shall be attached with every prison to give training to prisoners on farming and agriculture. In such prisons, where there is adequate land for farming, the officer in charge of prison and Deputy Superintendent (Administration) shall work out a routine for rabbi and kharif cultivation and ensure that agricultural production is at par with that of farmers in the area. Each prison shall have sufficient area in the central courtyard to lay out a horticulture garden. The medical officer may recommend weak and convalescent prisoners for work in the prison garden.

(2) The prison farm shall be kept neat and clean, free from weeds and undergrowth and care shall be taken that water supply in the farm is adequate. In the prison garden, bushes and herbs shall be planted at a distance from each other so that nobody can take cover among them. No trees shall be planted within 50 ft. from perimeter wall.

(3) The Deputy Superintendent (Administration) shall ensure that the fruits and vegetables grown in the prison farm are harvested in time and stored properly. Harvesting of prison farms and gardens shall be done under the supervision of a committee constituted for the same by the Director General or the Deputy Inspector General, Prisons (Circle), for each prison.

31.08. Vocational training in employable trades or occupations in prisons.—In order to promote intellectual development of the prisoners so as to impress upon their minds, the importance of discipline and to develop better work attitude, the

prison administration shall be responsible for providing vocational and on the job training in select trades and occupations in prisons. The selection of trades for vocational training and work programmes in the prison shall be made in accordance with the employability of the trade, marketability and profitability of the product, potential of that training to enhance the prisoner's ability to adjust in the society and earn his livelihood after release. In each prison, two or three trades utilizing modern power-driven machinery shall be taught. Each trade shall have its production centres also so that prisoners can be given on the job training as well as work experience. The approval of Director General shall be sought to ascertain the trades to be set up.

NOTE : Prisons may be modernized by introducing new project under the Public Private Partnership (PPP) model, under which the prisoners may be given better wages along with skill development for reformation and rehabilitation. The receipt of such revenue generated of such industry may be utilized for welfare of prisons. The proper Memorandum of Understanding (MOU) may be signed to this effect after taking of approval of the Director General.

CHAPTER 32**WELFARE OF PRISONERS AND PRISON OFFICERS****(A) Welfare of Prisoners**

32.01. Basic Elements of Welfare Programmes.—(1) The objectives of welfare programmes in prisons shall be -

- (i) develop a relaxed, positive and constructive atmosphere in the prison;
- (ii) ensure good personnel-inmate relationship based on mutual trust and confidence;
- (iii) ensure care and welfare of inmates;
- (iv) ensure firm and positive discipline;
- (v) attend to immediate and urgent needs and problems of inmates;
- (vi) address to long term needs of prisoners;
- (vii) help the inmates maintain regular contact with their families and communities in the outside world;
- (viii) ensure a good system of incentives for self-discipline such as remission, parole or furlough, transfer to semi-open and open prisons and premature release;
- (ix) provide individual guidance and counselling;
- (x) encourage group activities, group guidance and group work;
- (xi) implant proper habits, attitudes and approaches and prepare them for a normal social life; and
- (xii) provide supportive therapy including Psychotherapy.

(2) The starting point of all welfare programmes shall be the initial classification of the prisoners and individual study of every inmate. The welfare programme shall include periodical review of progress and re-classification of prisoners, timely processing of parole or furlough applications, facilitating filling of appeals, provision of legal aid, administration of remissions and pre-mature release, planning for release, pre-release preparation and after-care. Positive influence of prison personnel shall play an important role in this process. Community participation shall be an important feature of welfare programmes.

32.02. Counselling.—The following counselling facilities shall be extended to the prisoners, namely:

- (i) the mental health status of a prisoner shall be studied before his classification at the time of admission in the prison. The prisoners certified as mentally ill

shall not be confined in prisons and instead appropriate measures shall be taken for their transfer to special institutions;

- (ii) professionally qualified counsellors shall be engaged by the prison department to provide counselling to the needy prisoners, particularly those suffering from substance-related addictive disorders and victims of abuse;
- (iii) proper and regular evaluation of prisoner's mental health shall be done to provide the requisite psycho social support services by the prison department;
- (iv) severe mental disorders shall be requiring appropriate psychiatric treatment dealt under the provisions of the Mental Health Care Act, 2017.

32.03. Psychotherapy.- Psychotherapy and cognitive behaviour therapies may also be used in prisons as they have been recognised as effective measures for the treatment of prisoners suffering from mental disorders.

32.04. Guidance.—(1) Pamphlets containing the rights, duties, entitlement, discipline and daily routine of a prisoner shall be printed and distributed so that a prisoner may follow the 'dos' and 'don'ts' and maintain discipline during his confinement. The above literature shall be provided to every prisoner at the time of admission.

(2) The illiterate prisoners shall be made to understand the contents of the literature by the prison staff themselves or with the help of other literate prisoners engaged for educational programmes.

32.05. Canteen facilities.- (1) Every prison of the State shall have canteen facilities for prisoners having items of daily needs and other essentials to maintain themselves. Items to be sold in the canteen shall be decided by the Head of Department through a specific order.

(2) The management and functioning of the canteen shall be governed by an order or instructions of the Head of Department, from time to time.

(3) All undertrials and convicted prisoners shall be permitted to maintain themselves, and to purchase other necessary items from prison canteen, subject to rules as may be approved by the Head of Department.

32.06. Recreation, Sports, Cultural Activities, Films, Library.—(1) Cultural and recreational activities shall be organized in all prisons for maintaining the mental and physical health of prisoners as these activities are the basic elements of rehabilitation programmes for prisoners so these shall form the integral part of prison regime.

(2) Recreational and cultural activities shall be organised for inmates depending upon various conditions such as availability of space, climate and weather, composition of inmates and arrangements for security. Such activities shall include

the following, namely:-

- (i) outdoor games like cricket, kabaddi, wrestling, volley ball, badminton, football and basket-ball, Gymnastics etc;
- (ii) indoor games like chess, ludo and carom etc;
- (iii) Film Shows: Historical, patriotic, biographical, scientific and educational films, travelogues, documentaries, newsreel, and films dealing with social themes may be shown. Films depicting crime, sex, violence, suspense, and such other subjects that may have a damaging effect on the minds of inmates shall not be shown to them. Each Central and district prison, may have facilities for showing films to the prisoners or inmates. A library of good films shall be developed at prison headquarters and these films shall be circulated to various institutions. Close liaison shall be established between the Department of Prisons and Correctional Services and the Films Division, Department of Information and Broadcasting, Film and T.V. Institutions, Film Societies and other organisations which can supply good films for the inmates;
- (iv) Music: Music has a special significance in the confined atmosphere of a prison. It can bring relief to lonely, distressed and unhappy inmates. It can relieve boredom and promote interest in institutional programmes. Music programmes could consist of radio music, recorded music, group singing, folk music, instrumental music and orchestra. Music groups or bands of prison inmates shall be promoted to participate in cultural events and festivals;
- (v) Community and folk dances: Dance groups of prison inmates shall be formed and promoted so that Group and Folk dances could be performed by prison inmates or outside groups on festivals and social occasions
- (vi) Drama: Useful social values and models of behaviour may be presented before the inmates through dramatic performances. Dramas dealing with social problems, pageants, musical dramas, tableau, soliloquies, dialogues, radio plays and humorous skits could be performed for the benefit of inmates. Inmates themselves can be encouraged to take part and organize these activities;
- (vii) Arts and crafts: Arts and crafts can play an important role in imparting useful values and livelihood to prisoners. The prisoners can maintain their individuality through these activities. Such activities can also serve as supportive therapeutic measures in the monotonous life of a prison;
- (viii) Handicrafts and art work: Prisoners shall be provided with necessary facilities to learn pottery, basket making, wood carving, carpentry, marquetry and

veneers, wood turning, fret-work, leather-work, home decoration, lamp-shade making, metal-craft, plastics, toy-making, artificial flower making, horn-craft, clay-modelling, lacquer-work, drawing, painting, stencilling, paper-craft, papier-mâché, rug making, felt-work, knitting, embroidery, needle-work, crochet, etc.;

- (ix) Reading: Inmates shall be encouraged to read books, newspapers and magazines. Group reading and guided reading can also be useful for them;
- (x) Television: This is the biggest entertainer for prisoners. Only Doordarshan channels shall be shown and their timings shall be carefully selected by the officer in charge of prison.
- (3) Every prison shall have an annual sports or cultural meet. Inter-prison and Inter-State prisons sports or cultural meets of inmates shall also be organized. The sports or cultural groups from outside could be invited into the prison for playing with the prisoners.
- (4) Yoga and meditation may be practised daily during the fixed hours. Meditation centres may be opened and Non-Government Organization (NGO) support may be availed for this purpose. It shall be ensured that discourses during meditation sessions are secular in nature.
- (5) Well-known personalities in the fields of art, sports, literature, culture and music may be invited to the prison as guests on various occasions to inspire the prisoners and be role-models for them.
- (6) There shall be a playground for outdoor games and a community hall for cultural programmes in every prison.

32.07. Role of Non-Government Organizations.—(1) Approved Non-Government Organizations may be extensively involved in organising sports and cultural meets and other welfare activities.

- (2) Care shall be exercised in the selection of welfare agencies or Non-Government Organizations for carrying out welfare programmes. Approved Non-Government Organizations or welfare agencies which have a proven track record and which are known for their dedication, secular outlook and selfless service shall be selected for associating in the prison programmes.
- (3) No member of a welfare agency or Non-Government Organizations shall be associated with a prison if he has a criminal record. For this purpose, an undertaking may be obtained from the Agency or Non-Government Organizations.
- (4) The good work done by the welfare organizations and Non-Government Organizations in prisons shall publicly be appreciated.

- 32.08. Prisoners' Panchayat.**—(1) Every prison shall have prisoners' panchayat. These panchayats shall be consisted of very carefully selected inmates who are of good conduct and who have the potential and ability to organise events and activities. These panchayats shall plan and execute daily recreational programmes for inmates and the same shall give the prisoners a sense of participation in the prison management which is an important component of any policy of welfare and reformation. These panchayats shall also be used for giving the prisoners an opportunity to express their problems and seek redressal.
- (2) The working of these panchayats shall be under the supervision of the Welfare Officer and it shall be continuously monitored by the prison administration. The panchayats shall meet atleast once in a month and the officer in charge of a prison shall, as far as possible, personally participate in the panchayat meetings.
- (3) A 'Mahapanchyat' of all the panchayats shall be held in the presence of the officer in charge of prison at least once in a quarter for the redressal of prisoners' grievances and implementation of their suggestions. The Director General shall also participate in such Mahapanchayat in different prisons in the State from time to time.
- 32.09. Celebration of National Days or Festivals.**—(1) National Days like Independence Day, Republic Day and Mahatama Gandhi's Jayanti shall be celebrated in each prison to inculcate a feeling of the patriotism among the prisoners. Festivals like Deepawali, Gurpurab, Eid, Christmas etc. shall also be celebrated to augment cultural and religious harmony among the prisoners. Cultural programmes could also be organised and on such occasions, special food may be served to the prisoners.
- (2) The main festivals of all religions shall be celebrated and every prisoner shall be encouraged to participate. Any special treatment to a group of prisoners belonging to a particular caste or religion shall be strictly prohibited.
- 32.10. Spiritual Development.**—(1) Well-known personalities from all religions may be invited to deliver lectures to prisoners for their moral up liftmen. Assistance from approved Non-Government Organizations and welfare agencies may be sought in this regard. It shall be ensured beforehand that the content and tenure of such lectures is not such as would cause resentment among people of other religions.
- (2) Every prisoner shall be allowed to perform his devotions in a quiet and orderly manner.
- 32.11. Implementation of welfare activities.**—(1) The officer in charge of prison shall be responsible for the smooth and orderly implementation of welfare activities in the prison.

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- (2) The officer in charge of prison shall submit quarterly reports of welfare activities being conducted in his prison to the Head of Department.
- (3) Cooking by prisoners inside the prison, whether convict, undertrial, civil prisoner, detenu shall not be allowed in the normal course. The officer in charge of prison may, however, permit cooking by prisoners in special cases and shall take into account the maintenance of discipline and daily routine of the prison.
- (4) Prison administration shall endeavour to access funds available under Corporate Social Responsibility for conducting various welfare activities for inmates and prison staff.

(B) Welfare of Prison Officers

32.12. Officers of the prison are key to healthy prison working. Working of the prison is directly linked to welfare of the staff, therefore, the Director General shall make arrangements for the following:

- (i) **Welfare Fund for the prison officers.**-The objective of this Fund shall be to provide monetary aid and other relief to all the members of the staff who contribute to the fund. The Director General shall be the Chairman of the Welfare Fund. A management committee shall be constituted by the Director General, from time to time. Necessary rules shall be framed to identify the beneficiaries and for the sanctioning of aid for different purposes including to meet medical, educational, marriage expenses etc., of the families of the subscribers.
- (ii) **Meal for employees on duty during their shift.**-The Guarding staff, who are on duty shall be provided one free meal and two cups of tea during the shift.
- (iii) **Legal Assistance.**-Necessary facilities at Government cost shall be extended to staff members and retired Officers of the department to defend themselves in the event of criminal prosecution or civil proceedings arising out of bona-fide discharge of official duties.
- (iv) **Conference or retreat.**-Conference or retreats of departmental personnel shall be held annually at State Level or Circle Level. The circle level retreat shall cover Warders, Head Warders, Sub Assistant Superintendents, Assistant Superintendents, Senior Assistant Superintendents, Doctors, office Superintendent of Ministerial staff, whereas State level retreat shall cover all officers of and above the Deputy Superintendent of prisons, and other Gazetted Officers of Head Office.
- (v) **Facilities while on duty.**-The following facilities shall be extended to the personnel on duty:

- (a) rest rooms for the guarding staff;
 - (b) staff mess shall be made available inside the prison for executive staff up to officer in charge of prison; and
 - (c) lockers in the guard room to keep the belongings not permitted to be carried inside
- (vi) Grievance redressal mechanism.-The individual grievances, problems, service matters etc. shall be brought to the notice of the concerned officers for immediate action and also to senior officers whenever they visit the prison. During their inspections and visits, staff shall be provided an opportunity to put forth their grievances to the inspecting officers.
- (vii) Housing.-Rent free residential accommodation for all prison personnel shall be provided on the prison campus. Housing for prison staff shall be developed on modern lines with adequate community services and facilities such as -
- (a) sanitation;
 - (b) sufficient water supply, and
 - (c) other facilities such as park, playground, reading room, club House.
- (viii) Educational facilities.-The following educational facilities for the benefit of children of prison personnel shall be provided -
- (a) Elementary School near the institutional premises; and
 - (b) A school bus or a van for children of the staff, if the institutions are not connected with public transport facility
- (ix) General Health Care.-The prison personnel and their families and their dependents shall be entitled to free medical treatment from the prison Medical Officers and medicines may be provided from the prison dispensary. The prison Medical Officer shall run an out-patient clinic, for atleast one hour daily outside the prison premises for the benefit of families of the staff.
- (x) Financial assistance and compensation.-When a person working in the Department dies or sustains injury while discharging his duties, the Director General may sanction financial assistance depending on the nature of injury to the person concerned or to his legal heirs and the expenses shall be borne out of the welfare fund for prison Officers.
- (xi) Recreational facilities like games and sports.-Annual Sports Meet in each prison shall be conducted, followed by Regional and State Meets. The winners of the events shall be given prizes. The Government may sanction a lump sum amount for this purpose.

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- (xii) Prison officers' Elders.-There shall be a designated office for retired prison officers at every central prison complex, where they may gather and work for the welfare of retired officers and their issues shall be addressed through officer in charge of prison.
- (xiii) Director General's Commendation Disc.-The Director General shall award the Director General's Commendation Disc for officers/ officials showing outstanding devotion to duty or any particular outstanding act of courage or service to the department. The maximum number of Commendation Discs, which can be awarded in a calendar year, are:
- (a) Head Warder/Warder-20
 - (b) Sub Assistant/Assistant/Senior Assistant Superintendent-8
 - (c) Deputy Superintendent to Inspector General-10
- Note 1:** The Director General shall issue a standing order governing the detailed criteria for award of commendation discs.
- Note 2:** For exceptional work or acts done by officers during emergencies or other special occasions, including the period during which notification under National Disaster Management Act or Epidemic Diseases Act, 1897 remains in force, the limits on the maximum number of commendation discs to be awarded in a calendar year shall stand waived.
- (xiv) Cadre strength.-The cadre strength of various categories of personnel shall be fixed in accordance with the needs of the institutions. While fixing the strength of each cadre, care shall be taken to see that prison personnel of any rank are not overburdened. They shall have enough opportunities for career advancement and openings for promotions.

CHAPTER 33**LEGAL AID**

- 33.01. Constitution of Legal Services Authorities.**—(1) Article 39A of the Constitution of India implies duty of the State to provide free and adequate legal services to the weaker sections of the society with a view to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or any other disability.
- Articles 14 and 22(1) of the Constitution also make it obligatory for the State to ensure equality before law and a legal system which promotes justice on the basis of equal opportunity to all.
- (2) In furtherance of these, the Legal Services Authorities Act, 1987 was enacted by the Parliament in 1987 which came into force throughout the Country from on and with effect the 9th November, 1995.
- Under the Act, the National Legal Services Authority (NALSA) has been constituted to monitor and evaluate its implementation.
- 33.02. Constitution of State Legal Services Authority.**—(1) The Government of Punjab constituted the Punjab State Legal Services Authority (PULSA), Hon'ble Chief Justice of Punjab and Haryana High Court is the Patron-in-Chief while an Hon'ble Judge of the High Court is the Executive Chairman of the Authority.
- (2) At each district and sub-divisional level, District Legal Services Authority (DLSA) and Sub-Divisional Legal Services Committee (SDLSC) respectively have been constituted.
- (3) The functions, eligibility criteria, modes of legal services, cases where legal services can be provided and other mandates shall be determined by the State Legal Services Authority from time to time.
- 33.03. Appointment of Prison Visiting Advocates.**—The States shall adopt the practice of nominating prison visiting advocates to visit different prisons regularly, on fixed days of the week, to help the poor and unrepresented inmates. Every inmate shall be able to seek aid and advice, file any bail or parole application, appeal(s) or seek any other legal assistance as per their requirement(s) through these advocates.
- 33.04. Duties of the Officer in Charge with respect to legal aid.**—The officer in charge shall ensure—
- (i) protection of human rights of prisoners within the limitations of imprisonment;
 - (ii) arranging free legal aid for indigent prisoners;
 - (iii) arranging legal literacy classes in prisons in order to educate prisoners about

their rights and duties as well as about the availability of free legal aid services. Services of Para Legal Volunteers and Legal Aid Lawyers shall be taken to ascertain legal aid needs of inmates;

- (iv) inform convicts of their right to appeal against conviction and preparation of petition and appeals; and
- (v) assistance to competent authorities in holding special courts, legal services camps and lok –adalat.

33.05. Rights of prisoners with respect to Free Legal Aid.—Every prisoner in a prison shall be entitled to—

- (i) have adequate legal remedies and legal aid both within and outside the prison;
- (ii) have the right to consult or to be defended by a legal practitioner;
- (iii) have the right to access to legal service and legal aid services;
- (iv) have the right to telephonically access his lawyer as per the rules;
- (v) petition to the prison authorities, for any lapse in the provision of basic amenities and facilities mentioned above, arbitrary punishment or any other matter which he perceives to have violated the prescribed rules;
- (vi) to be produced before the court on the date fixed for his remand, or trial either physically or through electronic method.

NOTE: In case of rejection of mercy petition of the prisoner, the officer in charge of prison shall intimate the rejection of mercy petition to the nearest Legal Aid Centre apart from intimating the convict.

33.06. Free Legal Aid Clinics.—(1) Legal Aid Clinics are established with the prime objective to make Free Legal Services accessible to the poor, marginalized and weaker sections of the society. These clinics are manned by panel of visiting Advocates and Para Legal Volunteers (PLV), who have been specially trained to provide competent legal services to the poor.

(2) Legal Aid Clinic shall be established in each prison of the State of Punjab, with sufficient number of panel lawyers, and paralegal volunteers deputed to such clinics, for providing free legal services to inmates on all working days. Certain inmates shall be trained as para legal volunteers (PLVs) for assisting the Legal Aid Clinics established in prisons. The following shall be the objectives of the Legal Aid Clinic, namely:—

- (i) to provide free legal advice;
- (ii) to spread legal literacy and legal awareness;

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- (iii) to provide free legal services such as drafting the petitions, notices, applications, replies, etc;
 - (iv) to encourage amicable settlement of disputes through Lok Adalats and Mediation centers;
 - (v) to provide free legal services of advocates in legal matters; and
 - (vi) any other function or service as laid out by the Punjab State Legal Services Authority from time to time.

33.07. Free legal aid to under-trial prisoners and constitution of Under-Trial Review Committee.

-(1) Every under-trial prisoner who cannot hire a private advocate shall be provided services of a lawyer by the Legal Services Authority of the State. At the time of admission or during visit of officials, such prisoners shall be identified, and a request or application for legal assistance at the expense of the Government shall be obtained from them in prescribed format and forwarded to the Secretary, Legal Service Authority. Advocates appointed by the Legal Services Authority may be permitted to interview such under-trial prisoners in the office of the Assistant Superintendent.

- (2) (a) According to section 436A of the Code of Criminal Procedure, 1973 under-trial prisoners who have undergone detention in prison for a period extending upto half of the maximum sentence specified for that offence under law (except offences attracting death sentence and life imprisonment), shall be released on their personal bond, with or without sureties. In other words, it means pending investigation, inquiry or trial, no person shall be detained in the prison for a period more than half of the prescribed maximum sentence under that offence. However, courts, for special reasons to be recorded in writing, may extend the detention in prison or release on bail instead of personal bond with or without sureties.
- (b) An Under-Trial Review Committee consisting of the District and Sessions Judge as Chairperson, the District Magistrate, the Senior Superintendent of Police, Secretary, District Legal Service Authority and Superintendent of Prison as members, shall be constituted to review under-trials eligible under section 436A of Code of Criminal Procedure, 1973 to be released on bail. The mandate of Under-Trial Review Committee may be expanded by the Supreme Court from time to time.
- (c) The State Legal Services Authority shall instruct the panel of lawyers to urgently meet such prisoners, discuss their cases with them, and

move appropriate applications before the appropriate court for their release unless they are required in custody for some other case/purpose.

33.08. Prisoners to be assisted in preferring appeals and making bail application.-

The officer in charge of prison shall share a list of prisoners of the following categories with the State Legal Services Authority, in addition to contacting with District Legal Services Authority on a continuous basis, for providing of legal aid and assistance to them-

- (i) under-trial prisoners who are old and infirm, including women who are pregnant or have babies to be nourished;
- (ii) under-trials who have spent more than three months in prisons and who have no means to engage a counsel;
- (iii) persons arrested on suspicion under section 41 of the Code of Criminal Procedure Code, 1973 (Central Act 2 of 1974), who have been in prison beyond a period of fifteen days;
- (iv) any convicted prisoner who has already filed an appeal through prison authorities, as provided in the Code of Criminal Procedure Code, 1973 (Central Act 2 of 1974), and who has given in writing his desire to avail free legal aid. The officer in charge of prison shall also supply information regarding such appeal, along with a copy of memorandum of appeal, if available;
- (v) prisoners or the members of their family, requiring legal assistance in any civil or criminal matters.

CHAPTER 34**AFTER-CARE AND REHABILITATION OF CONVICT PRISONERS**

- 34.01.** The process of after-care and rehabilitation of offenders is an integral part of institutional care and treatment. The after-care of a convict prisoner is an extension of the institutional treatment programme, hence, the administrative machinery for carrying out these programmes shall be effectively integrated with the department of prisons.
- 34.02.** After-care and follow-up service is not required by every inmate leaving the prison. A large number of prisoners coming from the rural areas, agrarian and business communities are generally accepted back into their families. They are re-assimilated in the social milieu without much difficulty. They require only some continued contact with their kin and some pre-release counseling to bridge the gap between their life in the prison and that in the free society.
- 34.03.** There are other prisoners who resist follow-up action as they consider it a kind of surveillance on them. But majority of the inmates would welcome such programmes which help them settle in the society after their release and get themselves rehabilitated beyond the possibility of reverting to crime.
- 34.04. Objectives.**-The objectives of the after-care services are -
- (i) to extend all kind of help, guidance, counseling, financial support and protection to all prisoners, during confinement and after release, to overcome his mental, social and economic difficulties;
 - (ii) to help in the removal of any social stigma that may have been attached to the inmate or his family because of his incarceration by conducting counseling of the family of the prisoner;
 - (iii) to impress upon the individual and to conduct counseling sessions to adjust his habits, attitudes, approaches and values to a rational appreciation of social responsibilities and obligations and the requirements of community living;
 - (iv) to help the individual in making satisfactory readjustment with his family, neighborhood, work group, and the community; and
 - (v) to assist in the holistic development of the individual in the process of physical, mental, vocational, economic, social and attitudinal post-release readjustment and ultimate rehabilitation.
- 34.05. Selection of prisoners for after-care and rehabilitation.**-All convict prisoners shall be brought under the ambit of after-care and rehabilitation. The District Probation Officer shall be the nodal agency to contact for the purpose of after-

care and rehabilitation.

34.06. Case Management Framework.—(1) The Case Management Framework is required to ensure continuity in an inmate's rehabilitative process before and after he is released. The following services involves in the said framework -

- (i) to assess an inmate's individual needs;
 - (ii) to Identify appropriate services that meet his needs;
 - (iii) to develop a comprehensive plan of service tailored to the individual;
 - (iv) to advocate the client's access to and use of services; and
 - (v) to monitor and evaluate the effectiveness of delivery of services.
- (2) After-care problems of an individual shall be treated in their totality and not in isolation. Not only the individual but his whole social situation must be tackled at the same time.
- (3) After-care work shall broadly be phased in the following manner, namely:
- (i) while the individual is under institutional care and treatment;
 - (ii) Immediately after release from the institution; and
 - (iii) post-release period.
- (4) It is the responsibility of the State to devise and develop mechanisms for rehabilitation of released convicts. For this purpose, Discharged Prisoners' After Care and Rehabilitation Committees shall be set up at the district level, which shall comprise the following, namely:-

- | | | |
|----------------------------------|---|-------------|
| (i) District Magistrate | - | Chairperson |
| (ii) Superintendent of Prison | - | Convener |
| (iii) District Probation Officer | - | Member |

Such Committees shallinter alia devise the mechanism for rehabilitation and after-care assistance for released prisoners. While devising the mechanism and extending help, special attention shall be paid to the protection and post-release care and help of children, adolescents, women, sick, old, infirm and handicapped persons. Special emphasis shall be laid on the after-care of habitual offenders, if they so request.

34.07. Planning.—(1) Planning for after-care shall be initiated immediately after an inmate's admission in the institution and shall continue until the convict prisoner is released.

- (2) After-care shall be in the interest of the individual and based on his needs. While planning post-release assistance, factors like the inmate's personality, his

weaknesses and strengths, limitations and capabilities and his rehabilitation needs shall be taken into consideration. The inmate's desires for post-release help shall be considered on a practical and realistic basis.

(3) The inmate shall be told what type of assistance would best suit his needs. He shall be encouraged to plan his post-release life, as this would be helpful in his willing acceptance of the after-care plan. He shall be prepared for his post-release life.

(4) From the time of a prisoner's admission into prison, he shall be assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation. Special attention must be paid to the maintenance and improvement of such relations between a prisoner and his family, as are desirable in the best interest of both. Help of a Counselor may be taken, wherever necessary.

(5) The prisoner shall be provided vocational training according to his need and he shall be registered with various employment agencies outside the prison. The placement or recruitment drives may be conducted in the prison premises.

34.08. Scope of after-care assistance.—The scope of after-care assistance shall be determined by the District Committee and may include the following matters, namely:-

- (i) liaison with and assistance to prisoner's family during the period he is serving a prison sentence;
- (ii) help in maintaining continuity in relationship with family, neighbors, employers and community;
- (iii) preparing the family, employer and neighbors for receiving the individual after release;
- (iv) guidance in getting married and setting up a home and resettling in life;
- (v) liaison with local police so that he is not harassed unnecessarily;
- (vi) reference to a Social Service Organization in the neighboring area where the prisoner is likely to settle after release;
- (vii) communicating to the Panchayat or Community Development authorities about the background, problems and needs of the released person for getting the cooperation and help of the Panchayat, Community Development Officer, National Extension Service Worker, and Gram Sevak, in the resettlement of a prisoner;
- (viii) subsistence money to cover initial expenditure after release, till such time as the released person reaches his family or obtains employment;

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- (ix) temporary accommodation till housing arrangements is made;
 - (x) assistance in securing apprenticeship in a workshop or technical institute or industry or trade;
 - (xi) supply of artisan's tools or trade equipment;
 - (xii) assistance in starting a cottage industry, any small business trade, a small shop or a stall;
 - (xiii) assistance in getting employment;
 - (xiv) assistance in starting a small dairy, poultry, sheep farm, piggery, vegetable farming, gardening,seri-culture, bee-keeping, etc;
 - (xv) medical treatment on long-term basis for tuberculosis, venereal disease, leprosy and cancer, in an outside hospital;
 - (xvi) posting the released person under the care of a person or family interested in his welfare and resettlement; and
 - (xvii) protection from getting associated with anti-social groups, agencies of moral hazards (like gambling dens, drinking places and brothels) and with demoralized and deprived persons. Help in establishing contacts, acquaintance and friendship with reliable neighbors, co-residents or co- workers.

34.09. Functioning of a District Probation Officer.—(1) An officer of appropriate rank is to be appointed as District Probation Officer in each prison. The District Probation Officer shall contact the inmate during his admission-quarantine period. Such an early contact shall be helpful in planning over-all help for the inmate and his family.

(2) The District Probation Officer shall meet the inmate at least once a month throughout his stay in the institution.

(3) The District Probation Officer shall extend all possible assistance in maintaining the inmate's continued relationship with his family, employer and community.

(4) The District Probation Officer shall be associated with the prisoners' welfare services at the headquarter level.

34.10. The Role of Non-Government Organizations /Industry Associations.—(1) The participation of approved Non-Government Organizations in the rehabilitation programmes shall be extensively encouraged. Voluntary organizations wish to help the Government in rehabilitation projects, shall be given necessary financial and other support. Their services shall be given due appreciation by the Head of Department.

- (2) Public may be educated about the need for rehabilitation of ex-prisoners through print and audio-visual media.
- (3) Continuous liaison shall be maintained with the agencies or individuals which are willing to give employment to the released prisoners.
- (4) Companies which are required to spend 2% of their net profit on CSR activities under the Companies Act, 2013 must be encouraged to contribute funds towards rehabilitation of prisoners. Appropriate steps may also be taken by the Government to facilitate tax-deductibility of donations made for this purpose in terms of section 80G of the Income Tax Act, 1961.

34.11. Assessment.—(1) After-care agency shall be closely associated with the planning of the after-care programme for the inmate.

- (2) The plan of after-care of a prisoner shall be subject to such changes as would be found necessary by the after-care service.
- (3) The District Probation Officer shall intensify his work during the pre-release period. He shall maintain all the prescribed records under the direction of the Superintendent.
- (4) After release from the institution, the case of a released person shall be followed up for a period ranging from one to two years according to the requirements of each case.
- (5) The District Probation Officer shall establish follow-up study through interviews or correspondence. A six monthly report evaluating the released person's adjustments and resettlement shall be prepared by him and copies of it shall be sent to the correctional institution where the individual had undergone treatment and to the record branch in the prison headquarters.
- (6) The record branch in the headquarters shall maintain all the case files and follow-up reports according to the central indexing system.

CHAPTER 35

PRISON OFFICERS

- 35.01.** (1) All prisons of the State shall have personnel in accordance with the requirements of security, discipline and programme emphasis. The personnel strength shall be determined according to the duty posts and duty hours per day as the basis for each category of staff. The prison set-up shall be fixed in accordance with the size of the prison, the inmate population, workload and distribution of functions.
- (2) The strength of custodial or guarding staff shall be determined keeping in view the requirements of security, discipline, programme emphasis, duty posts, workload and distribution of functions. In principle, there must be one guarding staff for every six prisoners.
- 35.02** Institutional personnel of the Department of Prisons shall comprise of the following, namely:-
- (1) **Executive**
 - (a) Senior Superintendent of Central Prison
 - (b) Superintendent of District Prison
 - (c) Deputy Superintendent Grade-I
 - (d) Deputy Superintendent Grade-II
 - (e) Senior Assistant Superintendent
 - (f) Assistant Superintendent
 - (2) **Guarding staff**
 - (a) Sub Assistant Superintendent
 - (b) Head Warder or Head Matron
 - (c) Warder or Matron
 - (3) **Medical Personnel**
 - (a) Medical Officer (In Charge) or Medical Officer
 - (b) Specialist (Psychiatrist, Gynaecologist, Dentist)
 - (c) Nursing staff (Male or Female)
 - (d) Pharmacy Officer
 - (e) Medical Lab Technician
 - (4) **Welfare Units**
 - (a) Welfare Officer
 - (b) Law Officer

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- (c) Counsellor
 - (d) Probation Officer
 - (e) Psychologist or Psychiatrist

(5) **Educational Personnel**

Teaching Staff

(6) **Technical Personnel**

- (a) Technical Instructors
- (b) Electrical Instructors

(7) **Maintenance Personnel**

- (a) Plumber
- (b) Electrician
- (c) Sewerage treatment plant Operator
- (d) Pump Operator
- (e) Cook
- (f) Sewer Man
- (g) Peon
- (h) Drivers

The personnel involved in maintenance work may change over time, keeping in view the requirements of the prisons.

(8) **Ministerial Staff**

- (a) Section Officer
- (b) Office Superintendent Grade II
- (c) Senior Assistant
- (d) Clerk
- (e) Stenographers or Typists
- (f) Technical Assistant or VC Operators
- (g) Miscellaneous Staff

SECTION- I

The Officer in Charge of a Prison

35.03. Appointments to the office of Officer in Charge of prison to be Gazetted.-

(1) All appointments to, and changes in the office of officer in charge of a prison, other than those arising as consequence of temporary absence, shall be notified in the Official Gazette.

(2) Central prison shall be headed by the officer of the Senior Superintendent rank and district prison shall be headed by officer of the Superintendent rank.

35.04. Temporary vacancies.-(1) Every temporary vacancy, in the office or absence or abstention from duty on the part of the officer in charge of prison of any prison shall be forthwith reported by such officer in charge of prison or, in his absence, by the Deputy Superintendent (Administration) or Senior officer of the prison present, to the District Magistrate, Deputy Inspector General, Prisons (Circle) and the Director General.

(2) During temporary absence of officer in charge of prison concerned due to tour of duty, illness or any other reason whatsoever, s/he shall make over charge to the next senior-most officer and record the same in his journal.

35.05. Exercise of powers of Officer in Charge of a Prison.-All or any of the powers and duties conferred and imposed by the Act on an officer in charge of a prison may in his temporary absence be exercised and performed by such other officer as the Head of Department may appoint in this behalf either by name or by designation.

35.06. General duties of officer in charge of a prison.-(1) Subject to the orders of the Director General Prisons and Correctional Services, the officer in charge of a prison shall manage the prison in all matters relating to discipline, labor, expenditure, punishment and control.

(2) Subject to such general or special directions as may be given by the Government, the officer in charge of a prison shall obey all orders not inconsistent with the Act or any rule made there-under which may be given respecting the prison by the District Magistrate and shall report to the Director General, Prisons and Correctional Services all such orders and the action taken thereof.

35.07. Duties of officer in charge of a prison with regard to records.-(1) The officer in charge of prison is required to keep or cause to be kept, certain specified records and such other records as may be specified under section 59 the Act.

(2) It shall be the duty of every officer in charge of a prison to -

- (i) provide for the support, care and custody of and control over, all prisoners at any time confined in the prison;
- (ii) maintain order and discipline amongst the prisoners confined and the subordinate officers employed in the prison;
- (iii) control all expenditure relating to the prison;
- (iv) inquire into and adjudicate upon all alleged prison-offences and breaches of discipline and to propose punishment or punish all those

who are found guilty of having committed any such prison-offence or breach of discipline, in due course of law;

- (v) generally to take all such measures as may be necessary or expedient for the proper protection and management of the prison and of all prisoners at any time confined therein and for the purpose of giving effect to and enforcing the provisions of the Act and all rules, regulations, order and directions made or issued there under, as may be applicable thereto or to any prisoner confined therein or any officer thereof;
- (vi) provide suitable facilities for the recreation of inmates and members of staff; and
- (vii) draw up a plan for the classification of prisoners, training, training programmes and correctional activities in his prison and implement State policy pertaining to correctional administration.

35.08. Duties discharged subject to control.-The officer in charge of prison shall discharge his duties subject to the control of and all orders passed by him shall be subject to revision by the Head of Department.

35.09. Officer in charge of prison to visit prison daily.-(1) The officer in charge of prison shall visit the prison at least once in the forenoon and once in the afternoon of every working day and on Sundays and holidays also whenever special circumstances render it desirable that he shall do so if, from any cause, the officer in charge of prison is prevented from or is unable to visit the prison on any day on which he is by this rule, required so to do, he shall record the fact and cause of his absence in his journal.

(2) The first duty of the officer in charge of a prison on the occasion of his daily visit to the prison, shall be to release time-expired convicts, in accordance with the provisions of the law and these rules in that behalf, and shall in discharging this duty, in particular, observe the rules relating to the return of their private property and the grant of proper subsistence allowance to such convicts.

35.10. Prisoner to be seen daily, in certain case once every two days.-The officer in charge of a district prison shall, as far as practicable, see every prisoner in his charge daily and the officer in charge of a central prison shall likewise see every prisoner in his charge once in every two days.

35.11. Inspection of food by Officer in Charge of prison.-(1) The officer in charge of prison shall check the food prepared for prisoners in the main kitchen twice daily and in the hospital kitchen at least three times in a week.

(2) The officer in charge of prison shall inspect the prisoners' canteen atleast once a week and check the working of the same.

- 35.12.** The officer in charge of prison shall visit the prison during night (after 10 p.m and before 4.a.m) atleast once a week and shall satisfy himself that the prison is properly secured and guarded and all rules and orders in any way relating to, or connected with the nightly disposition of prisoners, warders and officers of the prison and the duties to be performed by warders and officer at night are duly observed and carried out. During his night round, the officer in charge of prison shall get the incoming and outgoing warder guard searched and checked in the main gate in his presence.

NOTE: The number of night visits paid shall be logged in the journal of officer in charge of prison.

- 35.13. Prisons to be inspected and maintained in an efficient state.**-(1) The officer in charge of prison shall frequently visit and inspect every barrack, yard, cell, workshop and latrine, as well as the armoury, warders, lines and every other part of the prison, its precincts and all premises belonging or attached thereto, or connected therewith, and shall satisfy himself that all buildings, structures enclosing walls and the like, are secure and are maintained in the best possible state of repairs and every part of the said prison precincts and premises is kept clean and in an efficient sanitary condition.

(2) The officer in charge of prison, during all times of the day and night, shall cause to have every section, block, building, open area, deori, office, peripheral wall, religious place, hospital, kotmauka and any other place on the prison premises, cleaned under the express supervision of such number of subordinate officers as he deems necessary, for efficient working of the prison.

- 35.14. Officer in charge of prison to visit hospital and take measures to prevent the spread of disease.**-The officer in charge of prison shall visit the prison hospital frequently and shall carry into effect, or cause to be carried into effect, all written directions given by the Medical Officer in regard to the proper segregation of prisoners suffering, or believed, or suspected to likely suffer from any communicable disease. He shall, whenever necessary and without delay, take all reasonable measures for cleansing and disinfecting every place at any time occupied by any such prisoner and for washing, disinfecting, by fumigation or otherwise or destroying, as may be most expedient, all wearing apparel, bedding or other articles which are infected or foul or may be believed or suspected to be infected or foul.

- 35.15. Officer in charge of prison to visit prison garden atleast twice a week.**-(1) The officer in charge of prison shall visit the prison farm at least twice a week and satisfy himself that all necessary measures are being taken therein for the purpose of cultivating and producing ample and continuous supply of vegetables, condiments and other crops, for consumption by the prisoners, the land included

in the farm is kept in proper order and free from weeds, the disposal of filth and refuse from the prison is effectively and fully conducted, stable litter and other manure is suitably disposed of the premises generally are maintained in a good sanitary condition, and the prison farm is being run on scientific and production-oriented basis.

(2) The officer in charge of prison shall personally ensure that the prescribed targets for the prison farm are fulfilled and agricultural training on modern and scientific lines is imparted to the inmates.

(3) The officer in charge of prison shall see that at the proper season when grain is cheapest, a sufficient quantity of each kind of grain required for consumption by the prisoners and for which there is storage room, is duly stored for use, proper arrangements are made for the preservation of the grain, the grain so stored is of good quality. He shall also render officer in charge of prison of other prisons all the assistance in his power in the purchase of good-stuffs or other articles that may be procurable at his station at favorable rates.

35.16. Officer in charge of Prison to check the stock machinery and tools half yearly.-The officer in charge of prison shall personally check every article of store at-least once in six months and record in the remarks column of the store register whether the balance checked on a certain date was correct or incorrect and what discrepancies, if any, were noted. A note of this check shall also be made in his journal and the discrepancies, if any, shall be reported to the Head of Department at-once.

NOTE 1: The checking of articles shall be so arranged that the officer in charge of prison checks one-half in one quarter which the Deputy Superintendent(Administration) shall check in the second quarter and vice versa. In this way, every article shall be checked once in three months either by the officer in charge of prison or the Deputy Superintendent(Administration). The certificate in this regard shall be submitted to the Head of Department, soon after 1st January and 1st July, each year. The officer in charge of prison on taking over charge, need not check the stores but he shall examine the books to see what articles have not been checked by his predecessor in the half year and shall check these during the remaining period of the half year.

NOTE 2: When shortages are found as a result of a check made in any of the stores or as a result of an audit report by the Accountant-General, Punjab, the officer in charge of prison shall take immediate action to fix responsibility for the shortage and submit his report with recommendations to the Head of Department for orders.

- 35.17. Weekly inspection parade of prisoners.-** (1) The officer in charge of prison shall hold a weekly parade of all prisoners for the time being confined in the prison for purposes of muster and inspection. The Medical Officer shall also be present at the time of such parade.
- (2) At each parade held under the sub-rule (1), the officer in charge of a prison shall satisfy himself that -
- (i) every prisoner is properly classified as specified in these rules;
 - (ii) every prisoner is provided with proper clothing, bedding and utensils as specified in these rules;
 - (iii) every prisoner is clean both in person and clothing;
 - (iv) the provisions of the remission rules are understood by the prisoners and each prisoner knows the extent of remission if any there under which he has earned; and
 - (v) generally the rules and orders applicable to prisoners are being duly carried out.
- (3) The officer in charge of prison shall, at every such parade, hear every request or complaint, if any, which any prisoner may desire to make and shall, in the course, inquire into and pass order there-upon.
- NOTE 1:** On each parades, every prisoner shall neatly arrange his bedding, spare clothing, history ticket and utensils on the front end of his sleeping berth mat and sit or stand at attention at the other end.
- NOTE 2:** All Deputy Superintendents and the concerned executive staff shall be present on such weekly inspection parade.
- 35.18. Checking and counting prisoners twice daily.-**The officer in charge of prison shall cause the prisoners to be checked and counted at-least twice on each day, at the hour of opening the wards in the morning, and of locking up the prisoners in the evening.
- 35.19. Prison business to be transacted on prison premises.-**The officer in charge of prison shall ordinarily transact all business relating to the prison on the premises thereof and shall not otherwise than in cases of necessity or emergency, require the attendance of any Deputy Superintendent or Assistant Superintendent at any place without and beyond such premises.
- 35.20. Distribution of duties amongst subordinate officers.-**(1) The officer in charge of prison shall record or cause to be recorded in writing an order showing the distribution of duties amongst subordinate officers and the nature and extent of the duties allotted to each such officer, provided that nothing contained in any

order recorded under this rule shall be deemed in any way to relieve the Deputy Superintendent(Administration) of his general responsibility under the officer in charge of prison, for the entire management of the prison or to relieve the Deputy superintendent(Administration) or any other subordinate officer of his liability to discharge any duty imposed on him by any law or rules for the time being in force.

(2) It shall also be the endeavor of the officer in charge of prison to apply the principle of rotation in the distribution of duties amongst officers employed in the office after such interval as he may think proper.

(3) The distribution of duties amongst officers employed in the prison office shall be such so as to enable the officer in charge of a prison to fix responsibility for errors in the prison records, with precision and without leaving any possibility or dispute. A copy of the distribution of executive and clerical work shall be put up and maintained in conspicuous place in the prison office.

- 35.21. Officer in charge of prison to enquire into all prison offences and record punishments.**-The officer in charge of prison shall hold an enquiry touching every offence committed or alleged to have been committed by a prisoner in the prison in a quasi-judicial manner recording the statements of all concerned witnesses, giving full opportunity to the offender for his defense. Confessional statements of the offender shall also be recorded in the presence of two witnesses. Finding and proposed punishment in the manner provided by law, shall be recorded after applying judicious mind by the officer in charge of prison, in his own hand, on the prisoner's history ticket. Complete enquiry file, findings and proposed punishment shall be forwarded to the District and Sessions Judge for obtaining judicial appraisal. Where such intimation on account of emergency is difficult, such information shall be given at the earliest. The officer in charge of prison shall satisfy himself that every punishment so proposed is duly carried into effect in accordance with law:

Provided that if due to any cause, the officer in charge of prison is, at any time, physically incapacitated from making such record, he shall cause the same to be made in his presence and under his directions.

NOTE: The orders of punishment shall be copied into the prescribed register of punishment by a subordinate officer (Register No.5).

- 35.22. Officer in charge of prison to enquire into all prison offences and record punishments.**-When any Deputy Superintendent reports any unusual occurrence requiring immediate action, the officer in charge of prison shall forthwith proceed to the prison to investigate the case and take such measures as may under the

circumstances be necessary. He shall make a report of the matter in his journal.

35.23. Appointment and punishment of subordinate officer.-(1) The officer in charge of prison shall exercise such powers with regard to the appointment and punishment of subordinate officers, as are specified in the rules relating to such officers.

(2) The officer in charge of prison may, at any time, inquire into and record his opinion on the conduct of any subordinate officer. In conducting all such inquiries, he shall be guided by the relevant punishment and appeal rules.

35.24. The officer in charge of prison shall report at once telephonically or any approved sources of communications to be followed by a detailed report to the Head of Department as they occur -

- (i) all serious breaches of prison discipline;
- (ii) every case in which any prisoner escape or attempts to escape or is recaptured or commits suicide or dies from or receives a serious injury;
- (iii) all outbreaks of epidemic disease or disease which may be likely to assume an epidemic form amongst the prisoners or officers of the prison and the measures taken to prevent the spread thereof;
- (iv) all serious cases of overcrowding, and all such other matters as the Head of Department may, from time to time in his discretion, by general or special order in this behalf require to be so reported to him by the officer in charge of prison; and
- (v) all deaths in prison custody together with immediate cause.

35.25. Officer in charge of a prison to accompany the Director General or official visitor.-(1) The officer in charge of a prison shall accompany the Director General whenever that officer visits the prison for the purpose of inspecting the same or any part thereof and shall take all necessary measures to facilitate the inspection and secure the safety of the inspecting officer.

(2) The officer in charge of prison shall, if so desired, accompany any official visitor during his visit to the prison.

35.26. (1) The officer in charge of prison shall, at all times exercise a vigilant supervision and control over all moneys and property of whatever kind received by him or by any subordinate officer or at any time in his charge or in the charge of any subordinate officer for or on account of the Government, the prison or any prisoner at any time confined therein, and over all expenditure of every kind incurred by him or under his authority or orders or under the authority of any rules in that behalf for the time being in force, on the upkeep and management of the prison and the maintenance of the prison and the maintenance of the prisoners for the

time being confined therein or in any way relating thereto or connected therewith and shall cause proper accounts and vouchers of all such receipts and expenditure and property to be regularly kept and audited in accordance with the provisions of these rules and orders regulating the management of the public accounts for the time being in force in that behalf.

(2) The officer in charge of prison shall be personally liable for all defalcations, loss or damage in any way due or attributable to any negligence, disobedience or misconduct on his part. The officer in charge of prison is required to keep a constant watch over prison receipts and expenditure to promote all possible economy in every department and to carefully examine all demands and indents before sanctioning them or submitting them for sanction. He shall frequently satisfy himself, by personal inspection, that the registers and books or accounts are regularly and duly written up, daily entries are made in day books, cash balances correspond with those entered in the books, the latter are correct, outstanding are not allowed to remain unrealized longer than necessary. The officer in charge of prison is liable for defalcations on the part of any member of the prison establishment which have been in any way facilitated or rendered possible by any neglect of duty or omission on his part to exercise effective supervision. The Punjab Financial Rules are to be observed in all matters of accounts in addition to the rules made under the Act and the orders of the Head of Department.

35.27. The officer in charge of prison shall satisfy himself that all supplies are paid for at the time they are purchased or as soon afterwards as possible.

35.28. (1) The officer in charge of prison shall carry into effect all requisitions in writing of the medical officer as to the provision of extra bedding or clothing or the alteration of the diet of any prisoner or with respect to any alteration of discipline or treatment in the case of any prisoner whose mind or body may, in the opinion of the Medical Officer, require it.

(2) The officer in charge of prison shall look into the journal of Medical Officer atleast once a day or as deemed necessary.

35.29. Officer in charge of prison to enter his order in order book.-The officer in charge of prison shall enter in the journal to be maintained for the purpose, every order given by him relating to management and discipline of the prison and shall satisfy himself that every such order is duly carried into effect.

35.30. Procedure upon change of officers.-When any officer is about to take over charge of the office of officer in charge of any prison, he shall, before doing so, satisfy himself that all records and registers are up to date and in good order, and the cash balances, permanent advance and accounts are complete and duly kept.

He shall make a note, in writing, of the defects, deficiencies or irregularities, if any, detected either at the time of taking over charge or within one month thereafter and shall inform the Head of Department.

35.31. Reports and statistics to be supplied by officer in charge of prison.-(1)

The officer in charge of prison shall, from time to time, regularly and punctually submit to the Head of Department all such statements or periodical -

- (a) returns of statistical information;
- (b) statements of account in respect of receipt, expenditure and property;
- (c) bills, vouchers and other original documents;
- (d) reports and other information, as that officer may, at any time, by general or special order in this behalf, prescribe, or as may be required by any of the provisions of these rules or of the orders of the Government;
- (e) the officer in charge of prison of each Central and district prison shall send personally a monthly report to the Head of Department giving his personal overall assessment of the working of the prison. The report shall be based on weekly and monthly meetings;
- (f) the officer in charge of prison shall keep one hour from 11:30 AM to 12:30 PM for interview to the subordinate officials. During this time each individual official shall have free access to the officer in charge of prison for redressal or personal grievances -
 - (i) a meeting of clerical and executive staff shall be held once in a month in which difficulties of each individual is heard and remedial measures taken. Any suggestion or request for the improvement in office, as well as general working of the prison he encouraged.
 - (ii) a weekly meeting of gazetted staff and Medical Officers shall be convened and suggestions regarding working of administration shall be discussed and policies formulated for efficient running of administration of the prison.

NOTE: Record for all such meetings shall be kept and submitted to the Head of Department at the time of his visit to prison concerned.

(2) As soon as convenient, may be after the close of but not later than the 30th day of April, in each year, the officer in charge of prison shall furnish the Director General with a report on the administration of the prison during the preceding year. Every such report shall be in such form and shall contain such statistical and other statements and returns as the Director General may, from time to time prescribe in this behalf:

Provided that every such report shall notice and explain all events of importance which have occurred in the prison during the year under report, and all material differences in the vital, financial and other statistics between the year reported on and the year immediately preceding the same.

(3) The annual report shall be forwarded to the Director General through the concerned Deputy Inspector General, Prisons & Correction Services (Circle) and a copy thereof shall be forwarded to the concerned District Magistrate for information.

NOTE: The annual report shall be written on half margin foolscap.

(4) An Annual Action Plan for the next financial year shall be forwarded by the officer in charge of prison to the Director General, through the concerned Deputy Inspector General, Prisons and Correction Services (Circle) by the end of February.

35.32. Officer in charge of prison to take precaution against fire.-The officer in charge of prison shall satisfy himself that proper precautions are taken to guard against fire. With this object, he may draw up a set of rules for the guidance of officers in such cases and cause a copy of them to be pasted between the prison gates or other equally conspicuous place. The rules shall provide for -

- (i) A signal to notify the outbreak of fire;
- (ii) Setting up of fire points along with firefighting equipment at different strategic places.
- (iii) A fire-brigade organized among the members of the staff, shall be put through a fire alarm parade once a month and so accustomed to the use of scaling ladders and the various duties they may be called on to perform in case of fire;
- (iv) A plentiful supply of water at all the times and in convenient places;
- (v) A supply of dry earth within each ward at night to extinguish fire caused by short circuit or become a source of danger and the instruction to the convict officers as to what they must do in such cases;
- (vi) The key of any ward or compartment where prisoners are confined at night being readily distinguishable from other keys, so that prisoners can be promptly removed from burning building.
- (vii) "Fire fighting exercise will be carried out under the supervision of his nearest Fire Officer".

SECTION- II

- 35.33.** Additional Superintendent for a Central Prison or the Deputy Superintendent (Administration) for a District Prison.-(1) Additional Superintendent in case of central prisons in the rank of Deputy Superintendent Grade-1, and Deputy Superintendent (Administration) in case of district prisons in the rank of Deputy Superintendent Grade-2, shall be the officers second in command at these prisons.
(2) The size and capacity of prison may require creation of more than one post of Additional Superintendent/Deputy Superintendent (Administration) or Deputy Superintendent (Security), as the case may be, at a prison to meet functional and operational requirements of that prison.
- 35.34. Persons included in the word “Deputy Superintendent”.**-For the purpose of duty, the expression ‘Deputy Superintendent’ shall deem to include Additional Superintendent of Central Prison, Deputy Superintendent (Administration) of District Prison, Deputy Superintendent (Security) and every person for the time being performing all or any of the functions or duties of a Deputy Superintendent, in regard to the functions or duties so performed.
- 35.35. General Duties of Deputy Superintendent (Administration).**-(1) The Deputy Superintendent (Administration) shall discharge his duties under the immediate direction, and orders of the officer in charge of prison.
(2) It shall be the duty of the Deputy Superintendent (Administration) strictly to enforce, or cause to be so enforced, all laws, rules regulations, directions and orders respectively, relating to the management of prisons and prisoner, and applicable to the prison or to any prisoner confined therein, for the time being in force.
- 35.36. Residence of Deputy Superintendent (Administration).**-The Deputy Superintendent (Administration) shall reside in the prison unless the officer in charge of prison permits him in writing to reside elsewhere.
- 35.37. Deputy Superintendent (Administration) to be present at night.**-The Deputy Superintendent (Administration) shall not remain absent from the prison for a night without the permission in writing from the officer in charge of prison. If he is absent without leave for a night due to the unavoidable circumstances, he shall immediately report the fact and the cause of it to the officer in charge of prison.
- 35.38.** Deputy Superintendent (Administration) to make over charge when he leaves the prison.-The Deputy Superintendent (Administration) shall, before leaving the prison for any purpose whatsoever, and on every occasion, on which he proposes to leave the prison, make over charge of the prison to the next senior officer in rank present, and shall record the fact that he has done so in his journal. The officer receiving charge shall, thereupon, countersign the entry made in acknowledge of having done so.

- 35.39. Duties of Deputy Superintendent (Administration) for safety of the prisoners, discipline, visits and attendance.**— (1) The Deputy Superintendent (Administration) shall do all acts and things which may be necessary or expedient for ensuring the safe custody of all prisoners at any time received into or confined in the prison, as well as for enforcing and maintaining discipline and order amongst such prisoners and all subordinate officers of the prison at any time serving under his orders or control and shall also superintend the correctional or educational programmes.
- (2) The Deputy Superintendent (Administration) shall, at least once in every day:
- (i) Visit every barrack, ward, cell compartment, and every other part of the prison and the premises thereof, including the hospital, and shall, save as provided in the rules regulations, directions and orders for the time being in force in that behalf, always remain present within the prison or its premises thereof.
 - (ii) The officer in charge of prison may, by a written order, take over such duties of any Deputy Superintendent posted in his prison as he may deem necessary for the efficient running of the prison.
 - (iii) Every action taken under sub rule (2) shall forthwith be reported by the officer in charge of prison to the Head of Department giving full justification therefore, and the Head of Department may confirm, modify or cancel such order.
 - (iv) The Deputy Superintendent (Administration) is permitted to be absent for meals at such times and for such periods as the officer in charge of prison may specify, or when required to appear in a court of justice, or when leave of absence is granted by the officer in charge of prison.
- 35.40. Deputy Superintendent (Administration) responsible for the efficiency of the guard.**—(1) The Deputy Superintendent (Administration) shall satisfy himself that a sufficient strength of the guard to meet all emergency situations is at all times present at the prison, and ready to be armed, and that the warders sleep in the quarters allotted to them, and do not leave the prison premises without permission.
- (2) All Deputy Superintendents and the Assistant Superintendents shall at least once in a week, in addition to their routine night round, search the relieved and relieving night guards between the gates (after 10:00 PM and before 4:00 AM), and shall record it in their concerned journal.
- 35.41. Deputy Superintendent (Administration)'s journal.**—The Deputy Superintendent (Administration) shall regularly maintain a journal in which he

shall from time to time record, as they occur, all events of importance effecting the prison and shall daily record the general state of the prison. He shall enter in his journal, all reports and representations which it may be his duty to make to the officer in charge of prison, and all other matters which by any of the provisions of the rules, regulations, directions and orders for the time being in force, he is required to enter therein.

35.42. Duties of Deputy Superintendent (Administration) enforcing discipline amongst subordinate officer.-(1) It shall be the duty of the Deputy Superintendent (Administration) to exercise proper control over all officers of the prison subordinate to him and to satisfy himself that every such officer is at all times alert, and that he discharges his duties regularly and in a satisfactory manner.

(2) The Deputy Superintendent (Administration) shall at all times maintain strict discipline amongst subordinate officers and shall ensure that:

- (i) Such officers as are subject to discipline, and are acquainted with drill and the use of their arms;
- (ii) All officers in respect of the office held by them and for whom uniforms are prescribed, wear such uniforms in the prescribed manner at all times when such uniform is required to be worn;
- (iii) The prescribed roster of attendance and duties is carried into effect;
- (iv) When on duty, all officers are neat and clean in appearance, properly dressed and accoutered; and
- (v) Every instance in which any subordinate officer is guilty of any dereliction of duty, breach of discipline or other misconduct, which comes to his knowledge, is entered in his journal and brought to the notice of the officer in charge of prison.

35.43. Deputy Superintendent (Administration) not to delegate his duties without permission.-If the Deputy Superintendent (Administration) is at any time prevented, by any unavoidable reason, from performing the duty imposed upon him as Deputy Superintendent (Administration), he shall take immediate steps or measures to have such duty performed by the next senior officer in the rank present at the prison, and to report the fact to the officer in charge of prison, save herein that the Deputy Superintendent (Administration) shall not, without the previous permission of the officer in charge of prison, at any time, delegate any duty to any other officer.

35.44. Power of Deputy Superintendent (Administration) to grant four hours' leave.-Subject to the rules relating to the granting of leave and the record to be

maintained of all leaves granted, the Deputy Superintendent (Administration) may grant leave of absence for a period not exceeding four hours at any one time to any officer subordinate to him/her.

Provided that in every case in which any such leave is granted, the Deputy Superintendent (Administration) shall make all necessary arrangements for the due performance of the duties of the officer to whom such leave is granted, during his absence on such leave.

35.45. Duties of Deputy Superintendent (Administration) in regard to, execution of sentences.-It shall be the duty of the Deputy Superintendent (Administration):

- (i) To cause all lawful warrants and orders of commitment to be duly obeyed and carried into effect;
- (ii) To give effect to all remissions of sentences lawfully earned or granted, and from time to time, to review and cause to enter the correct date of release in the register of release; and
- (iii) To take all measures that may be necessary or expedient in order that no prisoner shall be released before he is legally entitled to be released.

35.46. Certain prisoners to be taken before Officer in Charge of Prison.-In the event of any prisoner being at any time guilty of a breach of discipline or of any rule or regulation or of any other misconduct, the Deputy Superintendent (Administration) shall cause the offender to be brought before the officer in charge of prison for necessary orders, and shall enter, or cause to enter the charges in the prisoner's history ticket.

35.47. Duties as to lock-up counting, labour, food and reporting unusual occurrences.-(1) It shall be the duty of the Deputy Superintendent (Administration) to -

- (i) Be present in every evening, when the prisoners are locked up for the night, and in every morning when the prisoners are taken out of the sleeping wards, cells or other compartments, except on those days when he is relieved of this responsibility by a specific order of the officer in charge of prison or a general order of Deputy Inspector General (Circle);
- (ii) Satisfy himself, both by night and morning that all the prisoners are present and in safe custody;
- (iii) Allot to each prisoner sentenced to undergo rigorous imprisonment, a proper task, and satisfy himself that every such prisoner who is fit for labour, is daily put to proper labour and performs his allotted task and, for this purpose, to check the tasks allotted, and visit the workshops frequently while the

prisoners are engaged at work;

- (iv) Be present at, and superintend the daily weighing and serving out of rations, and satisfy himself that the food stuffs are properly cleaned and cooked;
- (v) Supervise the distribution of food, and satisfy himself that each prisoner receives his proper quantity at the prescribed times; and
- (vi) Report every unusual occurrence of a serious nature to the officer in charge of prison.

35.48. (1) The officer in charge of prison may, by a written order, take over such duties of the Deputy Superintendent, as he may deem necessary for the efficient running of the prison.

(2) Every action taken under sub rule (1) shall forthwith be reported by the officer in charge of prison to the Head of Department giving full justification therefore and the Head of Department may confirm, modify or cancel such order.

35.49. Duty of Deputy Superintendent (Administration) on admission of prisoner.- Upon the admission of every prisoner the Deputy Superintendent (Administration) shall -

- (i) Examine or cause to be examined the warrant or order under which such prisoner is committed to the prison, and satisfy himself that it is in all respects complete in order and valid;
- (ii) Remove, or cause to be removed, from such prisoner all money or other articles found on him, including (if such prisoner is not, by law, entitled to retain it) his wearing apparel and (in such case) shall provide him with a complete prison out-fit;
- (iii) Take measures to preserve and protect all property taken from, or belonging to, the prisoner which may come into his hands;
- (iv) Shall satisfy himself that the provisions of the act, and these rules, as to the admission of prisoners, are duly complied with; and
- (v) On the admission of every prisoner, cause his name to be duly entered in the register of release under the date on which such prisoner is, in due course of law, entitled to be released.

35.50. Deputy Superintendent (Administration) and Deputy Superintendent (Security) to search weekly for prohibited articles.- Deputy Superintendent (Administration) and Deputy Superintendent (Security) shall, on uncertain times, at least once a week, cause each prisoner, all clothing and bedding, all wards, cells, other compartments, workshops, latrines, and other places frequented by the prisoner, to be thoroughly searched for prohibited articles.

- 35.51. Deputy Superintendent (Security) to regulate interviews and communications.**-It shall be the duty of the Deputy Superintendent (Security) to regulate all interviews and communications between prisoners and persons who are not prisoners and to prevent all persons who are not duly authorized in that behalf by a competent authority, from entering the prison premises or having and access of any kind to, or communication with, any prisoner, and to arrange that the proper officer of the prison is present during all interviews held.
- 35.52. Effects of prisoners.**-All money or other articles in respect whereof no order of a competent court has been made, and which may with proper authority be brought into the prison by any criminal prisoner or sent to the prison for his use shall be placed in the custody of the Deputy Superintendent (Administration).
- 35.53. Deputy Superintendent (Administration) when required to accompany officers and visitors.**-The Deputy Superintendent (Administration) shall, whenever required so to do, accompany the officer in charge of prison, civil surgeon, and magistrate and every inspecting officer and visitor on their visits to the prison.
- 35.54. Deputy Superintendent (Administration) to hold parade.**-The Deputy Superintendent (Administration) shall hold a parade of all the prisoners for the time being confined in the prison, on second and fourth Saturday evening, under his personal supervision with the assistance of such officers as may be required and shall, -
- (i) carefully inspect every prisoner;
 - (ii) examine the clothing, bedding and utensils, etc. of every prisoner;
 - (iii) check every prisoner is present or accounted for; and
 - (iv) satisfy himself generally that everything is in proper order. He shall enter a report of his inspection in his journal, noting there in the state of the clothing, cleanliness, numerical strength and other matters of importance relating to the prisoners. He shall see that all store-rooms are clean, neatly arranged and protected as far as possible from vermin, birds, insects and the weather.
- 35.55. Responsibility of Deputy Superintendent (Administration) for records, warrants money etc.**-The Deputy Superintendent (Administration) shall be responsible for the safe custody of the records to be kept under the provisions of the Prisons Act, 1894, for the commitment warrants and all other documents confided to his care, and for the money and other articles taken from prisoners.
- 35.56. Custody of Government property and periodical stock takings.**-(1) The Deputy Superintendent (Administration) shall be responsible for the receipt, issue, safe custody and the application or disposal of all stores, machinery, tools, plant,

raw materials, manufactured goods, and all other articles of whatever kind for the time being in the prison and the property of the government, and he shall maintain, or cause to be maintained, proper accounts and registers thereof. He shall take stock frequently, and from time to time examine and verify the accounts and registers maintained,

NOTE: Stock shall be taken of the articles in the “issue” godowns once a month.

(2) The Deputy Superintendent (Administration) shall check every article of store at least once in six months and record in the remarks column of the stores register whether the balance checked on a certain date was correct or incorrect and what discrepancies, if any, were noted. A note of this check, shall also be made in his journal and the discrepancies, if any, shall be reported to the officer in charge of prison; if there is a change in office, he must check all articles on assuming charge and this may be taken as a six monthly check.

NOTE 1: The checking of articles shall be so arranged that the officer in charge of a prison checks one-half in the quarter, which the Deputy Superintendent (Administration) shall check in the second quarter and vice versa. In this way, every article will be checked once in three months either by the officer in charge of prison or the Deputy Superintendent (Administration). The certificate of the check shall be submitted to the Head of Department soon after the 1st day of January and the 1st day of July each year.

NOTE 2: In the prisons in which there is a Deputy Superintendent (Factory), the duties of the Deputy Superintendent (Administration), in so far as they relate to the manufactory department, devolve on that officer.

NOTE 3: When shortages are found as a result of a check made in any of the stores, or as a result of an audit report by the Accountant-General, Punjab, or by any officer from head office, the officer in charge of prison shall take immediate action to fix responsibility for the shortages among the officials concerned. He shall conduct the necessary enquiry and submit his report within six weeks of the receipt of the audit or inspection report or the shortage coming to his notice with a recommendation to Head of Department for orders.

35.57. Duty of Deputy Superintendent (Administration) to sick prisoners.-

(1) The names of prisoners desiring to see the medical officer or appearing out of health in mind or body shall, without delay, be reported by the immediate officer in charge of such prisoner to the Deputy Superintendent (Administration).

(2) The Deputy Superintendent (Administration), shall, without delay, call the attention of the medical subordinate to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer respecting alterations of the discipline or treatment of any such prisoner.

35.58. Record of directions of medical officer.-All directions given by the medical officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the medical officer himself or under his superintendence, shall be entered day by day in the prisoner's history ticket or in such other record as the Government may by Rule direct, and the Deputy Superintendent (Administration) shall make an entry in its proper place, stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Deputy Superintendent (Administration) thinks fit to make and the date of the entry.

35.59. Deputy Superintendent (Administration) to give notice of death of prisoner.-Upon the death of a prisoner, the Deputy Superintendent (Administration) shall give immediate notice thereof to the officer in charge of prison and the Medical Officer. Information may also be sent to the family members of the deceased prisoner in the quickest way possible.

35.60. Deputy Superintendent (Administration) to ensure timely Attendance of subordinate officers.-(1) Deputy Superintendent (Administration) shall ensure that all the subordinate staff must enter in prison on time, and shall furnish the report of daily attendance with officer in charge of prison.

NOTE: Daily Attendance can be recorded digitally as far as practicable, keeping in view the needs of the prison.

(2) The Deputy Superintendent (Administration) shall enter daily in his journal:

- (i) The time the wards were opened;
- (ii) The members of the staff (if any) who were absent;
- (iii) The time prisoner began work;
- (iv) The time work was stopped in the forenoon and when it was recommenced;
- (v) The time work was stopped for the day;
- (vi) The time the lock-up was completed;
- (vii) That the gratings and locks of the prison were got tested and found intact.

- 35.61. Other matters of importance to be noted in Deputy Superintendent (Administration)'s journal.**-The Deputy Superintendent (Administration) shall enter in his journal, all instances in which he may have found it necessary to use restraint to any prisoner; any violent outbreak or serious offence, accident, death or other occurrence out of the ordinary routine; application for the officer in charge of prison's sanction for the employment of prisoners in any special manner or for any unusual expenditure; and whenever it is proposed to draw money from the treasury for manufactory or prison purposes, a note showing the necessity for the same.
- 35.62. Disposal of entries in the Deputy Superintendent (Administration)'s journal.**-The Deputy Superintendent(Administration)'s journal shall be placed weekly (or oftener if necessary), before the officer in charge of prison, who shall endorse his orders against each entry or if no orders or comments are necessary, append his initials.
- 35.63. All Deputy Superintendents responsible for property and money entrusted to them.**-All Deputy Superintendents shall render an account, on removal or transfer, of all government, other property, and money entrusted to their care.
- 35.64.** Deputy Superintendent (Administration) responsible for scale, weight stores and the state of the godown.-The Deputy Superintendent(Administration) shall be responsible:
- (i) That the scales, weights and measures in use in the prison, for the issue and distribution of provisions, stores and raw material, are accurate and in good order and shall, before taking delivery, weigh, measure or count all stores supplied to the prison, or cause such to be done under his personal supervision; and
 - (ii) For the state of the prison store-rooms and their inaccessibility to convicts, and others not authorized to enter them.
- 35.65. Deputy Superintendent (Administration) to supervise office and keep certain registers, duties regarding cash and cash books.**-The Deputy Superintendent (Administration) shall exercise general supervision over the work of the office. The delegation of preparation of returns entries in registers, or of any of the Deputy Superintendent (Administration)'s duties to any authorized subordinate, in no way relieves the Deputy Superintendent (Administration) of the responsibility for ensuring that these are correctly and punctually made. His most important duties are in the direct control of the prisoners, and management of the prison. He shall keep or cause to be kept the cash-books, release diaries and such other registers, as the officer in charge prison may direct. He shall daily

compare the balances of cash in hand with the balances shown in the cash-books, initial the latter if correct, present them to the officer in charge of prison daily for examination.

NOTE 1: Cash or cash book shall ordinarily be handled by the office superintendent or head clerk for the maintenance section and accountant for the factory section. Official handling the cash will be given cash allowance as per the government instructions in that behalf.

NOTE 2: The Deputy Superintendent (Administration) shall report monthly, in his journal, on the registers in charge of each of his subordinates.

35.66. Responsibility for economy in every department.—(1) The Deputy Superintendent (Administration) shall promote such economy, as is consistent with efficiency, in every department of the prison. He shall prepare or cause to be prepared, and submit to the officer in charge of prison all indents for food clothing and articles of every description required. He shall prevent any needless destruction of government property, utilize convict labour to the fullest extent in supplying the requirements of the prison and other departments, and bring to the notice of the officer in charge of prison, any improper waste or extravagance.

(2) When any Deputy Superintendent is discharged or suspended, resigned, on leave (other than casual leave), or is transferred, he shall be required in making over charge to his successor, to give an inventory of all property, stores, etc. in his hands, together with vouchers for all credit sales. This list shall be kept with the prison records, a copy being given to his successor and another sent to the Head of Department. The officer in charge of prison shall satisfy himself as to the correctness of the list within two months from the date, the outgoing Deputy Superintendent leaves the prison and shall, if circumstances warrant his doing so, furnish the leaving Deputy Superintendent, if the latter requires it, with a certificate that no demands or liabilities are outstanding against him in that prison. In case of the death of any Deputy Superintendent, the inventory shall be made by or under the directions of the officer in charge of prison, and the certificate shall be granted on the application of the heirs or executors of the deceased.

(3) The order may be suspended in the case of any Deputy Superintendent who takes earned leave for not more than six weeks, but in that case, the Deputy Superintendent who takes leave shall be primarily responsible for the stores, etc. during his absence, and the burden of proving the responsibility of his locum tenens for any loss, shall lie with him.

(4) All the subordinate officer/officials in whose custody the inventory articles are kept, shall be responsible for making over the charge by them of the respective

articles in their stores and wards. They shall render complete account of all the inventory articles, and other stores under their charge, and shall be responsible for any loss or damage attributable to their negligence.

35.67. Duty of Deputy Superintendent (Administration) with regard to welfare of the prisoner.-(1) The Deputy Superintendent (Administration) shall be responsible for implementing state policy pertaining to correctional administration, reformation and welfare activities of prisoners. He shall be responsible for organizing and conducting educational, cultural, recreational and all other welfare activities for the prisoner.

(2) The Deputy Superintendent (Administration) shall supervise the work of correctional staff and welfare officer in the prison. He shall check every article of canteen at least once in every three months, and record a certificate to that effect, and shall cause to maintain proper accounts and registers thereof.

35.68. Duty of Deputy Superintendent (Administration) on change of Officer in Charge of Prison.-When a new officer in charge assumes charge of a prison, it shall be the duty of the Deputy Superintendent (Administration) to bring to his notice, in writing, all orders specially relating to that prison. In the event of any grave irregularity taking place in consequence of the non-observances on the part of the officer in charge of prison of any such order, the Deputy Superintendent (Administration) shall be held responsible, unless he can show that he brought the order in question to the notice of the officer in charge of prison.

NOTE: For a sub-prison, officer in charge of sub prison shall perform all the duties of Deputy Superintendent (Administration) alongwith all other duties.

Section III

Deputy Superintendent (Factory)

35.69. Appointment of Deputy Superintendent (Factory).-One of the Deputy Superintendent may, be put in charge of the manufacturing department, and other productive enterprises being carried on in the prison other than agriculture in any prison in which any industry is carried on.

NOTE: Assistant Superintendent (Factory) shall perform all the duties of Deputy Superintendent (Factory) in a prison where Deputy Superintendent (Factory) is not posted, and then Assistant Superintendent is put in charge of the factory

35.70. Deputy Superintendent (Factory) to comply with orders and obey Officer in Charge of Prison.-(1) The Deputy Superintendent (Factory) shall obey the

orders of officer in charge of prison in all matters relating to discipline and daily routine.

(2) It shall be the duty of the Deputy Superintendent(Factory) at all the times to assist the officer in charge of prison and other prison officers in the maintenance of order and discipline and in the general management of the prison.

35.71. Duties and responsibilities of Deputy Superintendent (Factory).-(1) The Deputy Superintendent (Factory) shall be responsible for the efficient management of the manufactory department, and shall conduct all operations relating to the manufacture of articles in the prison to the greatest possible advantage of the government.

(2) All stores maintained in the manufactory department of the prison, whether consisting of raw material, material in process of manufacture or manufactured goods, machinery, plant, tools or other articles shall be under the care and supervision of the Deputy Superintendent(Factory), who shall at all times be liable to duly account therefore, to the officer in charge of prison.

(3) The Deputy Superintendent (Factory) shall cause proper accounts to be kept of all stores purchased, received, in stock and expended, respectively, and of all moneys of whatever kind at any time received or expended by him or under his authority or orders. He shall be responsible that, all registers and accounts prescribed and relating to the manufactory department, are at all times correctly prepared and kept up to date; that proper vouchers for all issues of stores and payments are obtained kept in safe custody, and produced when called for by the officer in charge of a prison and; that his accounts are duly audited under proper authority.

(4) The Deputy Superintendent(Factory) shall periodically, examine all cash, stores, machinery, plant, tools, raw materials, materials in the process of manufacture (work in progress) and manufactured articles, and satisfy himself that the cash, stock, materials, manufactured articles, machinery, plant and tools are as per the balance shown in the accounts.

(5) The Deputy Superintendent (Factory) shall be personally liable for any defalcations, loss or damage in any way due or attributable to any negligence, disobedience or misconduct on his part.

(6) The Deputy Superintendent (Factory) shall use all means in his power to make the labour of the prisoners profitable to government. He shall prevent waste and peculation in the manufactory, be responsible for -

- (i) Checking of the applications for raw material, and see that the quantity of material charged for have been received;

- (ii) Ensuring that the rates paid for all supplies are fair;
- (iii) Ensuring that the prices at which manufactured goods are sold, are properly remunerative and promptly paid for; and
- (iv) Moneys sent to the local treasury.

NOTE: The Deputy Superintendent (Factory) is required to keep a constant watch on the receipts and expenditure of the manufactory department, and all property of whatever kind relating thereto. He is liable for defalcations on the part of every officer serving under his orders, which have been in any way facilitated or rendered possible by due to neglect of duty or omission on his part to exercise effective supervision.

35.72. Deputy Superintendent (Factory) to maintain a report book.-The Deputy Superintendent (Factory) shall maintain a report book in which he shall make entries of all matters requiring the orders of the officer in charge of prison such as requisitions for prisoners, materials, machinery, tools, plant, and the like, the manufacture, sale, or dispatch of goods, and recommendations of every kind relating to the manufactory department. Orders relating to manufactory, passed by the officer in charge of prison, shall be entered in the report book.

35.73. Consolidated demand of raw material tools and implements.-(1) The Deputy Superintendent (Factory) shall give the consolidated demand of raw material, machinery tools and implements to the officer in charge of prison well in time, to enable the competent authority to arrange its purchase.

(2) The Deputy Superintendent (Factory) shall use every endeavor to improve the quality of the work turned out in the manufactory, and he shall be responsible that the articles not according to specifications are specially brought to the notice of the officer in charge of prison. He shall satisfy himself, from time to time, that the work turned out in each branch of industry is commensurate with the labour employed, and the raw material consumed.

(3) The Deputy Superintendent (Factory) shall make himself acquainted, as far as possible, with the character and industry of every prisoner working under him, and assist the officer in charge of prison in allotting remissions and granting rewards for good work.

(4) The Deputy Superintendent (Factory) shall enter the prison manufactory sufficiently, early each morning to superintend the distribution of the labour groups, check the task sheet and verify the task done by each worker, and he shall ordinarily remain inside the prison throughout the day.

NOTE: Residential quarters shall be provided for the Deputy Superintendent

(Factory) at the prison, in which he shall reside. He shall not absent himself from his duties without the permission of the officer in charge of prison unless he is sick, in which case he shall furnish a medical certificate from the medical officer. He may absent himself for meals and other purposes at such hours, and for such periods as the officer in charge of prison may fix/allow.

Section- IV

35.74. Appointment of Deputy Superintendent (Security).-One of the Deputy Superintendent may be put in charge of the overall security of the Prison.

35.75. Primary Duties and Responsibilities of Deputy Superintendent (Security).-

- (1) Internal vigilance on conduct of officials, particularly from the point of view of corrupt practices.
- (2) Deployment of guarding and supervisory staff (including Assistant Superintendents) at different areas of prisons through the line officer and Duty Book in consultation with, and as per policy guidelines of officer in charge of prison.
- (3) Deployment of guarding and supervisory staff (including Assistant Superintendents) for mulakat area, deori, High Security Zones, outer gate and roof-top morcha/guard in consultation with officer in charge of prison.
- (4) Security of High Security Zones.
- (5) Security and maintenance of towers.
- (6) In charge of all security, watch and ward and search operations at deori:
 - (i) Search of prisoners at deori while entry and exit.
 - (ii) Search of prison staff at deori while entry.
 - (iii) Search of belongings of prisoners.
- (7) Search of all barracks or cells.
- (8) Surprise search of High Security Zones and barracks.
- (9) Search and frisking to trace mobile phones, contrabands and other articles anywhere in the prison premises.
- (10) Registration of cases in respect of prisoners who violated prison discipline.
- (11) Ensuring all steps to ensure legal action on recovery of prohibited articles or mobiles or contrabands or drugs from the prisoners.
- (12) All matters related to interview/mulaqat of prisoners, including all security searches on prisoner side and visitor side, and ensuring only eligible persons meet the accused.

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- (13) Conducting alarm parades.
 - (14) Handling of riots and public order disturbances in prison.
 - (15) Responding to medical emergency on priority in liaison with Deputy Superintendent (Administration).
 - (16) Liaison officer (point-of-contact) for all matters related to other force(s) deployed in the prison.
 - (17) Regulation of leave of executive staff.
 - (18) Efficient functioning of control room and he shall be overall in charge of control room situated at prison.
 - (19) Monitoring use of e-calling system by prisoners and ensuring it is done as per Rules or directions.
 - (20) Ensuring only e-wallet system is used inside the prison and the prison area is free of any cash or coupon.
 - (21) Shall assist Deputy Superintendent (Administration) in conduct of parade of prisoners.
 - (22) Shall assist Deputy Superintendent (Administration) in all efforts to maintain discipline amongst prisoners, and shall assist in timely lock-in and lock-out.
 - (23) Liaison with local police station and police authorities for follow-up of investigations of cases registered for crimes inside the prison.
 - (24) It shall be the duty of the Deputy Superintendent (Security) to regulate all interviews and communications between prisoners and persons who are not prisoners and to prevent all persons who are not duly authorized in that behalf by competent authority from entering the prison premises or having and access of any kind to, or communication with, any prisoner, and to arrange that the proper officer of the prison is present during all interviews held.

Section V

The Senior Assistant Superintendent

- 35.76. Appointment of Senior Assistant Superintendent duties prescribed.**-(1) At every maximum security/central prison, a Senior Assistant Superintendent shall be appointed from amongst the cadre of Assistant Superintendent or Welfare Officer by selection on the basis of merit, seniority and on successful completion of promotion course as prescribed under Rule 44.24.
- (2) The Senior Assistant Superintendent shall be immediately subordinate to all the Deputy Superintendents, and shall assist them in the discharge of their duties.

(3) The Senior Assistant Superintendent shall take the place of the Deputy Superintendent (Administration) whenever that officer is temporarily absent from, or incapacitated for, duty, and when the Deputy Superintendent (Administration) is present shall discharge such duties and assist in such ways, as may, from time to time, be specified, in writing, by the officer in charge of prison.

(4) Every Senior Assistant Superintendent shall perform the duties of Deputy Superintendent (Administration) regarding counting, searches etc., at the time of lock-up in the evening, and lock-out in the morning on alternative days, so as to gain experience and give relief to the Deputy Superintendent (Administration) for such duties as and when required.

(5) The Deputy Superintendent (Administration), Deputy Superintendent (Security), the Senior assistant and the Assistant Superintendent shall at-least once a week personally search the relieved and relieving night guards between the gates.

NOTE: For further particulars as to the duties of the Senior Assistant Superintendent, the rules applicable to Deputy Superintendent (Administration) may be referred to.

35.77. Powers of Senior Assistant Superintendent and Assistant Superintendent.-

Where a Senior Assistant Superintendent or Assistant Superintendent is appointed to a prison, he shall be subject to the orders of the officer in charge of a prison, be competent to perform any of the duties, and be subject to all the responsibilities, of a Deputy Superintendent (Administration) under the Prisons Act, 1894 or any Rules made thereunder.

35.78. Duties of Senior Assistant Superintendent to be defined and changed.-

A definite share of the duties of the Deputy Superintendent (Administration) shall be assigned to the Senior Assistant Superintendent under the written orders of the officer in charge of prison. These duties shall be changed from time to time, so as to afford him every opportunity of becoming acquainted with all the details of prison management.

35.79. Senior Assistant Superintendent appointed by selection and on promotion.-

Promotion for the appointment as Senior Assistant Superintendent shall be made as per the selection process laid down in Rule 44.24 of these Rules and Punjab Prisons Services Class-III (Executive) Rules.

Section VI

35.80. Assistant Superintendent and Welfare Officer.-

(1) The service of Assistant Superintendent and welfare officer in the Punjab Prisons Department (hereinafter referred "the service") is a subordinate service and officers holding these

appointments shall be non-gazetted officers.

(2) The recruitment and service condition of Assistant Superintendent and welfare officers shall be governed by the selection process laid down in Rule 44.24 of these Rules and the Punjab Jail Department State Services (Class-III-Executive) Rules, 1963.

(3) Assistant Superintendent and welfare officer shall be subordinate to all the Deputy Superintendent and shall obey their orders.

(4) The Assistant Superintendent and welfare officer shall, subject to the orders of the officer in charge of prison, be competent to perform any of the duties, and be subjected to all the responsibilities of a Deputy Superintendent under the Prisons Act, 1894 or any Rule thereunder for the duties assigned.

(5) The Deputy Superintendent(Factory), Deputy Superintendent(Security), senior-most Assistant Superintendent or welfare officer shall take the place of the Deputy Superintendent(Administration) when he is temporarily absent from, or incapacitated, for duty and senior-most Assistant Superintendent present, shall discharge such duties and assist in such ways, as may be specified, in writing, by the officer in charge of prison, from time to time.

(6) The Assistant Superintendent or line officer shall, atleast once a week, personally search the relieved and relieving guard between the main gate.

NOTE: The duties of Assistant Superintendent, line officer and welfare officer, shall be changed from time to time, so as to afford them every opportunity of becoming acquainted with the different nature and scope of duties.

35.81. Duties of Line officer.-(1) He shall be fully acquainted with all the details concerned with discipline and training of the warder guard as well as management of the lines.

(2) He shall constantly inspect guard rooms, warder hostel, kotmauka, prison garden and other buildings in the prison complex, and be responsible that they are clean, tidy and properly kept.

(3) He shall ensure that guarding staff does not stay out of prison complex without proper sanction; that unauthorized strangers are removed from prison limits.

(4) He shall attend all formal parades in the prison complex and be responsible that all roll-calls are properly held.

(5) He shall personally inspect the guard going on and off duty inside the prison and, if he is unable to inspect any shift, shall so arrange that it is inspected by a

responsible officer. Entries of such inspections with the name of the inspecting officer shall be made invariably in the daily diary.

(6) He shall visit all guards at prison periphery at intervals to be specified by the officer in charge of prison.

(7) The keys of the armoury shall always be in the personal custody of the line officer.

(8) He shall supervise the overall working of the warder's mess and maintain it upto date with supplies.

(9) He shall maintain order in the guard, and organize monthly orderly room with the officer in charge of prison so that all the grievances of the guard are addressed.

(10) He shall be responsible for keeping officer in charge of prison and other gazetted officers informed about the matters of guard, its discipline, duties and equipment.

(11) He shall be responsible for efficient working and proper deployment of other forces guarding the prison.

(12) He shall make sure ceremonial guard is up to date and is always ready for salutation and other duties.

(13) He shall maintain liaison with district police's reserve inspector and line officer for guard deployment for sick prisoners admitted in hospitals outside the prison.

Section VII

35.82. Sub-Assistant Superintendent.-(1) A Sub-Assistant Superintendent shall be appointed from amongst the head warders by selection on the basis of merit, seniority and on successful completion of promotion course as prescribed under Rule 44.24.

(2) A thorough knowledge of laws, rules, directions and orders regulating the management of prisons and prisoners, efficiency in drill, ability to drill the guard, the possession of qualities which enable the officer to command respect, and maintain authority and of good conduct, shall be the qualifications for a Sub-Assistant Superintendent.

(3) The Sub-Assistant Superintendent shall be subordinate to the Deputy Superintendent (Administration), Deputy Superintendent (Factory), Deputy Superintendent (security), Senior Assistant Superintendent and Assistant Superintendent, and shall assist all the Deputy Superintendents in the performance of their duties.

(4) He shall perform all the duties and will be subject to all the responsibility as in case of an Assistant Superintendent for the duties, assigned by the officer in charge of prison.

Section VIII

Medical Officers

- 35.83. General duties of Medical Officer.** – (1) In addition to duties mentioned in chapter 29, and subject to the control of the officer in charge of prison, the medical officer shall have the charge of sanitary and medical administration of the prison, and shall perform such duties as specified by these rules or as prescribed by the Government from time to time.
- (2) The medical officer shall accompany the Head of Department and Inspector General Prisons and Correctional Services whenever that particular officer visits the prison for the purpose of inspecting the same, or any part thereof.
- (3) The medical officer shall accompany the officer in charge of prison on weekly parade of the prisoners, and shall carry out, or cause to be carried out, all instructions given by the officer in charge of prison in respect of his functions.
- 35.84. Appointment of medical officer.**—There shall be at least one whole time medical officer for every prison which has a population up to five hundred (500) inmates. He shall be on deputation from the health department and shall, except for the medical treatment of the sick, be operationally subordinate to the officer in charge of prison. If there are two or more “Punjab Civil Medical Services” officers posted in a prison, the senior most amongst them, shall be in charge of the hospital and medical administration. The other officer shall be called the medical officer.
- NOTE:** When the population exceeds five hundred (500), additional medical staff may be provided as laid out in Rule 29.01.
- 35.85. Temporary absence of the medical officer.**—Whenever the medical officer of a prison is temporarily absent from the station, his duties shall be performed by the other medical officer posted in the prison. If there is no other medical officer, a medical officer shall be deputed by the civil surgeon of the district, for which the officer in charge of prison shall make a written request.
- 35.86. Channel of communication.**—The medical officer shall ordinarily correspond with the Head of Department through the officer in charge of prison.
- 35.87. Medical officer to visit prison daily and take measures to secure the health of prisoners.**—(1) It shall be the duty of the medical officer to visit the prison at least once a day, and on Sunday also, whenever necessary. If circumstances render that course desirable, the medical officer shall visit the

prison oftener than once a day. He shall visit every part of the prison and its precincts and premises frequently and after every visit he shall record a note in his journal mentioning the sanitary condition of prison.

(2) The medical officer shall take all such measures as may be necessary or expedient for the maintenance of the prison and its surroundings in a thoroughly sanitary state and the prisoners in sound health. If necessary, he may obtain the services of a specialist from a government hospital.

(3) He shall visit all prisoners confined in cells daily.

35.88. Mode of recording directions and recommendations of medical officer.-

(1) Any directions (other than directions which are to be carried out by the medical officer himself or under his personal superintendence) which the medical officer may think fit to give, in respect of the treatment of any prisoner, shall be entered on the history ticket of the prisoner concerned.

(2) Every recommendation relating to the prisoner generally, or to any group, body or affecting the medical or sanitary administration of the prison in general, which the medical officer may think fit to make, shall be entered by him in his journal.

35.89. Record by medical officer on admission and discharge of prisoners.-In addition to complying with the provisions of the act, in regard to the admission, removal and discharge of prisoners, the medical officer shall record or cause to be recorded, under his superintendence:

(1) (i) At the time of the admission of every prisoner to the prison, in the admission register and the history ticket of such prisoner -

- (a) The state of the prisoner's health;
- (b) The prisoner's age and weight;
- (c) If sentenced to labour, the class of labour (if any) for which the prisoner is, in the opinion of the medical officer, fit; and
- (d) Any other observations which the inspection of the prisoner may disclose and which shall, in the opinion of the medical officer, be made.

(ii) At the time of the discharge of every prisoner from the prison, enter in the admission register, the state of health, and the weight of the convict so discharged.

(2) The medical officer shall satisfy himself that the private clothing of a newly admitted prisoners is cleaned, and if necessary disinfected before removal to the godown.

(3) If the medical officer has reason to believe that any female prisoner is pregnant, he shall report the circumstances to the officer in charge of prison.

(4) When a prisoner with injury on his body is admitted into a prison from police custody, his medical examination shall be conducted in the manner prescribed.

35.90. Duty with regard to sick prisoners and malingerers.-(1) The medical officer shall daily visit the sick in the hospital, and shall examine every prisoner who may complaint of any illness, and may, if necessary, direct the admission of any such prisoner to hospital.

(2) If at any time the medical officer is of opinion that any prisoner is malingering, he shall forthwith report the fact to the officer in charge of prison.

35.91. Medical officer to report in certain cases.-Whenever the medical officer has reason to believe that the mind of a prisoner is, or is likely to be injuriously affected by the discipline or treatment to which he is subjected, the medical officer shall report the case, in writing, to the officer in charge of prison together with such observations as he may think proper.

This report, with the orders of the officer in charge of prison thereon, shall forthwith be sent to the Head of Department for information.

35.92. Medical officer to inspect the prison and prison garden.-(1) The medical officer while visiting the prison shall satisfy himself that nothing exists therein which is likely to be injurious to the health of the prisoners; that the system of drainage is satisfactory and in good working order; that the water-supply is pure and unpolluted, and is not liable to pollution from any source; that adequate precautions are being taken against overcrowding in wards, cells and other compartments and; that the ventilation and cleanliness of barracks, wards, cells and other compartments, workshops, latrines and the like, are duly provided for and attended to. He shall also frequently inspect the kitchen and test the weight and quality of the rations both before and after cooking. He shall report to the officer in charge of prison any matter which, in his opinion, demands attention, provided that in any case in which the officer in charge of prison considers it inexpedient to accept the recommendation, and the officer in charge of prison's objections shall be forwarded to the Head of Department for final orders.

(2) The medical officer shall see that the food for the sick is properly prepared and distributed.

35.93. Medical officer may add to or vary diet in certain cases.-The medical officer may, in his discretion, make any addition to or alteration in the diet for the sick, convalescents, the aged, the young, and in respect of groups specially employed, which he may deem necessary on medical grounds, and record brief reasons

thereof in the history ticket of the prisoner.

- 35.94. Medical officer's duty on the appearance of epidemic.**-(1) The medical officer shall, in the event of the appearance of epidemic disease of any kind among the prisoners or officers of the prison, be responsible that all measures and precautions which may be necessary or expedient to meet the emergency and prevent the spread of the disease are promptly taken, and that the rules and orders regulating such matters are fully enforced.
- (2) Immediately upon the appearance of any case of infectious disease or any disease which is likely to assume an epidemic form, the medical officer shall report the fact to the officer in charge of prison (with a copy to the Civil Surgeon) for the information of the Head of Department, together with any recommendations which he may think fit to make in the view to prevent the spread of disease and otherwise deal with it.
- (3) The medical officer shall maintain a special record, in the prescribed form, of all cases of infectious diseases, whether sporadic, or epidemic, and shall furnish the necessary report required by the directions for the time being in force in that behalf.
- 35.95. Attendance of officer.**-The medical officer shall render proper medical attendance, not only to the prisoners but also to all officers or officials of the prison and members of their family.
- 35.96. Report on death of prisoner.**-On the death of any prisoner, the medical officer shall forthwith record in a register the following particulars, so far as they can be ascertained namely:
- (i) The day on which the deceased first complained of illness or was observed to be ill;
 - (ii) The labour, if any, on which he was engaged on that day;
 - (iii) The scale of his diet on that day;
 - (iv) The day on which he was admitted to hospital;
 - (v) The day on which the medical officer was first informed of the illness;
 - (vi) The nature of the disease;
 - (vii) When the deceased was last seen before his death by any of the medical officers; and
 - (viii) When the prisoner died.
- 35.97. Duties of the medical officer to comply with duties imposed by the Director General.**-The medical officer shall duly observe and comply with all directions

issued by the Director General as to the duties which he is to perform, and the manner in which he is to perform them. He shall furnish such periodical statistical, other information and reports, in respect of sickness and mortality amongst prisoner, the sanitation of the prison, and other matters pertaining to his duties, as specified by the head of the department through a standing order for this purpose.

35.98. Duties of the medical officer with regard to medicines, medical stores and indents.-The medical officer shall:

- (i) Submit for the sanction of the Head of Department, a yearly indent for medicines and medical stores;
- (ii) Keep or cause to be kept a proper account of medicines, instruments and appliances;
- (iii) Satisfy himself that poisons are kept separate from other medicines, properly labeled and under lock and key;
- (iv) From time to time examine the medicines in store to assure himself that they are in a fit condition for use;
- (v) Regularly check the account of locally purchased medicines;
- (vi) Be responsible to ensure that all allopathic medicines, instruments, all locally purchased medicines and medical stores charged in the prison accounts are faithfully and solely used in the service of the prison; and
- (vii) Submit a report to the Head of Department every year in January on the medical and sanitary administration of the prison.

35.99. Duties in regards to the dairy. (applicable to prisons having dairy farms).-The medical officer shall examine the cow-houses, dairy and milk –vessels daily to see that they are kept clean.

35.100. Medical Officer (In Charge).-The Civil Surgeon shall appoint a Medical Officer (In Charge) for every prison as head of unit. The Medical Officer (In Charge) and other medical officers shall be under the operational control of the officer in charge of prison.

Section IX

The Other Medical Officers

35.101. Medical officers to obey orders of certain officers.-(1) In all matters relating to or connected with the feeding, clothing and medical treatment of hospital patients and other professional duties, the other medical officers shall obey the orders of and discharge such duties, as are lawfully assigned to them by the Medical Officer (In Charge), from time to time. In matters relating to or connected with the

maintenance of order and discipline in and the general management of the prison, they shall obey the orders of the officer in charge of prison.

(2) The other medical officers shall record in the report book and report to the Medical Officer (In Charge), all orders given to them by the officer in charge of prison.

35.102. Medical officers to inform Medical Officer (In Charge) of deaths.-The medical officers shall, without delay, inform the Medical Officer (In Charge) of every report made to him as per provisions of the Prisons Act, 1894, or any death which comes to their notice otherwise.

35.103. Hours of duty of Medical Officers.-In prisons, where there are two or more medical officers, the hours of duty shall be so distributed between them by the Medical Officer (In Charge) that the work is fairly distributed, and at least one of the medical officer is present in the prison round the clock. This shall be done with proper consultation of officer in charge of prison.

NOTE: The medical officer on duty shall visit the hospital frequently at night whenever any prisoner is seriously ill, and he must be prepared at all times to attend when his services are called for.

35.104. General duties of Medical Officers.-The general duties of other medical officers are:

- (i) To be present at the opening of the wards, attend to prisoners who complain of sickness and, if necessary, send them to hospital for treatment having distributed the necessary medicines to out-door patients, to visit the hospital, and note the condition, progress and temperature, whenever necessary, of each patient on the bed-head tickets;
- (ii) To visit the "convalescent" group and any prisoners kept under observation, every morning; distribute such medicines as may be necessary; satisfy himself that the prisoners get the food, clothing, bedding and rest ordered for them and; that no prisoner is removed from the "convalescent" group without the authority of the medical officer;
- (iii) To keep all poisons under lock and key and retain the key in his possession, be responsible that such poisons are properly labelled, kept separate from other drugs, and not allow any convict attendant to handle any poison or vessel containing poison;
- (iv) To make the necessary indents for all hospital supplies to be taken from prison stores;
- (v) To maintain all the hospital registers up to date, be responsible for their

safety, prepare and submit to the medical officer, at the proper times, all monthly and other returns;

- (vi) To keep, or cause to be kept the surgical instruments and appliances in good order and clothing and bedding marked in the prescribed manner;
- (vii) To keep a vigilant watch on any prisoner suspected of malingering, or whose soundness of mind is a matter of doubt, and report the result of his observations to the medical officers, and;
- (viii) To arrange that all cases of bowel complaint are, as far as circumstances permit, treated in a separate ward, the evacuations of such patients are, when necessary kept for the inspection of the Medical Officer (In Charge), and are subsequently properly disinfected and disposed of, to accompany the Medical Officer (In Charge) when the latter visits the prison, and give effect at once, to any order given by him relating to the health of the prisoners, or sanitation of the prison.

35.105. Duties as regards food and its distribution.—The other medical officers shall -

- (i) Daily inspect the godowns, kitchens, and all vessels for cooking or distributing food and see that they are all clean;
- (ii) Daily inspect the food by actually tasting and see that it is of good quantity both in the raw and cooked condition, keep samples of anything he considers to be unwholesome for the inspection of the Medical Officer (In Charge), see that the milk is properly boiled before issue, inspect the food supplied to prisoners by their friends, and;
- (iii) Be responsible that the proper quantities of oil, salt and antiscorbutic have been added and thoroughly mixed, and bring to the notice of the medical officer, any prisoner who constantly leaves a portion of his food uneaten.

35.106. Duties as regards water supply sanitation and ventilation.—(1) Examine periodically the overhead tanks or other sources of water-supply and bring to notice any defect in quantity or quality, to examine daily all vessels in which drinking water is stored or conveyed, and see that they are kept clean, and

- (2) Inspect all latrines and urinals daily, see that they are kept clean.

35.107. Medical examination of prisoners.—The Medical Officer (In Charge) or other medical officers shall subject each prisoner to medical examination once a quarter, and record the state of his health in his history ticket.

35.108. Medical aid to officer to assist medical officer generally.—(1) The other medical officers shall, under the directions of the Medical Officer (In Charge), afford medical aid to all officers of the prison and others living on the prison

premises, render that officer every assistance, and report all matters which may, in any way affect the health of the prisoners or establishment, such as:

- (i) Overcrowding;
- (ii) Unseasonable or worn-out clothing;
- (iii) Neglect of personal cleanliness;
- (iv) Undue exposure to the weather;
- (v) Unpunctuality of meals;
- (vi) Neglect to air, dry or clean clothing and bedding, and;
- (vii) Unsuitable tasks.

(2) In prisons where there is only a single post of medical officer, the duties of the additional medical officer shall be performed by the same medical officer.

Section X

The Pharmacy Officer

35.109. Appointment of pharmacy officer or pharmacist.—The Director, Health Services shall appoint such number of pharmacy officers/pharmacists in each prison as may be sanctioned by the Government from time to time and their conditions of service shall be governed by the rules of health department.

35.110. Pharmacy Officer to obey certain officers.—(1) In matters relating to, or connected with the feeding, clothing and medical treatment of hospital patients and other professional duties, the Pharmacy Officer shall obey the order of and discharge such duties as may from time to time he lawfully assigned to him by the Medical Officer (In Charge) and other medical officers. In matters relating to or connected with the maintenance of order and discipline and the general management of the prison, he shall obey the orders of the officer in charge of prison and the Deputy Superintendent (Administration).

(2) The Pharmacy Officer shall report to the Medical Officer (In Charge), all orders given to him by the officer in charge of prison or Deputy Superintendent (Administration).

35.111. The Pharmacist shall perform the duties.—(1) For the safe custody of medicines and equipment, bedding and clothing of the hospital and for the proper supply of these articles to the patients in hospital according to the instructions of the Medical Officer (In Charge) and the other medical officers;

(2) For the correct and proper dispensing of medicines and ensuring that almirahs are securely locked;

(3) For keeping the dispensary clean and tidy;

- (4) For helping the Medical Officer (In Charge) and other medical officers in maintaining the records, and the weight of prisoners; and
- (5) For maintaining the temperature charts of prisoners admitted into the hospital.

Section XI

(a) Rules, Etc, Applicable to Officers Generally

- 35.112.** The establishment of the prison department is divided into four categories:
- (i) The Punjab Prisons State Service (Class-I)
 - (ii) The Punjab Prisons State Service (Class-II)
 - (iii) The Punjab Jail Department State Service (Class III- Executive)
 - (iv) The Punjab Jail Department Clerical and Technical Service (State Service Class III)
- 35.113. Control and duties of officers of prison.-**All officers of a prison shall obey the directions of the officer in charge of prison; all officers subordinate to the Deputy Superintendent (Administration) shall perform such duties as may be imposed on them by the Deputy Superintendent (Administration) with the sanction of the officer in charge of prison or as prescribed by these rules.
- 35.114. Officers not to have business dealings with prisoners.-**No officer of a prison shall sell or let out, nor shall any person in trust for or employed by him sell or let out, or derive any benefit from selling or letting out, any articles to any prisoner or have any, money or other business dealings directly or indirectly with any prisoner.
- 35.115. Officers not to be interested in prison contracts.-**No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or in direct, in any contract for the supply of the prison; nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.
- 35.116. Officer in charge of Prison only to punish prisoners, improper language to be avoided.-**(1) No officer of any prison, other than the officer in charge of prison shall at any time, propose or award any punishment to any prisoner or otherwise than in accordance with law, and the orders of the officer in charge of prison, inflict any punishment on any prisoner.
- (2) No officer of any prison shall use violent, abusive, insulting, or unnecessarily irritating language to any prisoner.
- 35.117. Prisoners to be treated with tact, humanity and strict impartiality.-**Every officer of a prison shall at all times avoid all conduct calculated to unduly irritate, or annoy any prisoner and shall treat every prisoner with tact, good temper,

humanity and strict impartiality, and shall listen, complaint or report which any prisoner may at any time make to him, and shall show all such kindness and a consideration to every prisoner as compatible with a firm and effective discharge of his duties. Subject to the foregoing provisions of this rule, every such officer shall firmly and fully maintain strict discipline and enforce all laws, rules, regulations, directions and orders for the time being in force, and applicable to the discharge of all or any of the duties appertaining to his office.

NOTE: It is important that every complaint made by a prisoner shall be heard with attention, in order that, if well founded, the grievance complained of, may be redressed, and that in no case, any just cause for discontent be allowed to remain.

35.118. Prisoner not to be struck. Use of force regulated.-(1) No officer of any prison shall, at any time, under any circumstances, or on any pretext, strike any prisoner otherwise than in the pursuance of his duty in giving effect to punishment lawfully inflicted or to any other provision of the law or any rules made thereunder.

(2) No officer of any prison shall, during the discharge of his duties, at any time, use more force than is absolutely necessary for the purpose of enforcing the law or any rules made thereunder, and for carrying out his duties.

NOTE: It is lawful to use all means necessary to effect an arrest (Section 45 of the Criminal Procedure Code, 1973), and a prisoner has no right of private defense against prison officers acting in the discharge of their duty (Section 98, Indian Penal Code, 1860), and every officer may use all force necessary to resist any force used by prisoners against lawful authority.

35.119. The prisoners not to be employed on private work.-No officer of any prison shall, save as authorized by a provision of any rule hereinafter contained, in that behalf, at any time, employ any prisoner on his own private work, or for his own gain or profit; nor shall any such officer at any time employ any prisoner otherwise than for the profit, and advantage of the Government, and in strict accordance with the provisions of the Prisons Act, 1894 and the Rules made thereunder, relating to the employment of prisoner.

35.120. Immediate report of misconduct and the like to be made.-It shall be the duty of every officer of a prison, subordinate to, or under the orders of the officer in charge of a prison, to make an immediate report to that officer of any misconduct, act of willful disobedience or breach of the provisions of any law, rules or regulations for the time being in force, on the part of any other officer or any prisoner which shall, at any time come to his knowledge, or committed in his presence, within his sight or hearing.

- 35.121. No officer to enter any ward or cell alone, from lock-up to sunrise.**-No officer of a prison shall at any time enter any ward, cell or other compartment, occupied by any prisoner, from the hour such ward, cell or compartment has been locked up for the night till sunrise in the next morning, unless he is accompanied by atleast one other officer, other than only in emergent circumstances.
- 35.122. Duty of all officers to prevent and report escapes and breaches of discipline.**-(1) It shall be duty of every officer of a prison, at all times, to do all lawful acts which may be necessary, and to exercise the utmost vigilance, for the purpose of preventing any prisoner from breaking out of prison or escaping or attempting to break out of prison or escape, or from creating or attempting to create any disturbance or riot or from doing or attempting to do any other violent or disorderly act.
- (2) Every officer of a prison is required to:-
- (i) take all lawful measures which may be possible to prevent the commission of any prison-offence;
 - (ii) enforce the provisions of the Prisons Act, 1894 and all rules, regulations, directions and orders for the time being in force in, or in any way applicable to the prison in regard to the conduct and discipline of the prisoners and the administration of the prison; and
 - (iii) at the earliest opportunity, to report to superior authority, every breach, or attempted breach, or design to commit breach of any provision of any law, rule, regulation, direction or order for the time being in force, or in any way applicable to the prison or any prisoner confined therein.
- 35.123. Matters concerning the wearing of uniform and the cleanliness.**-(1) Every officer in respect of the office held by him, for whom any uniform is at any time prescribed, shall wear such uniform at all times when on duty, and when off duty, within prison premises or in any public place, may wear either uniform or private clothes.
- Provided that no combination to uniform and private clothes shall at any time be worn by any officer.
- (2) Every officer shall at all times and on all occasions be clean and neat as to his outfit, and clean as to his person.
- 35.124. Application of rules to All Deputy Superintendents, medical personnel and others.**-Unless there is something inconsistent with anything contained in any rule relating to any officer or class of officers, or repugnant to the subject or context, the rules relating to subordinate officers generally hereinafter following,

shall be deemed to apply also to all Deputy Superintendents and the medical personnel.

35.125. Conditions of services of subordinate officers.-(1) The provisions of the Prisons Act, 1894 shall be read out and explained to every person appointed, whether temporarily or permanently, to be subordinate officer in any prison at the time of his appointment as such, and such person shall be required to affix his signature or mark to a written acknowledgement that the provisions of this Rule have been duly complied with.

(2) Every person appointed to be a warder in a prison, shall enter into an agreement with the appointing authority agreeing not to resign from his appointment/position within two years of the date of his appointment

(3) No subordinate officer shall, without the sanction of the Head of Department, be permitted to serve in any prison or place situated within the limits of the district in which his permanent home is so situated provided that nothing in this sub rule shall apply to a person appointed on purely temporary basis.

(4) No person shall, without the previous sanction of the Head of Department, at any time be employed as a subordinate officer in any prison in which any relation or connection of his is confined as a prisoner or employed as a subordinate officer.

35.126. Duty of candidates and officers to disclose relationship, etc. with other officer or prisoner.-(1) It shall be the duty of every candidate for employment as a subordinate officer, and of every subordinate officer, of every prison to forthwith inform the officer in charge of prison or the Deputy Superintendent (Administration), if, at any time, there is confined in the prison, in which he is a candidate for employment, or in which he is for the time being employed as the case may be any prisoner:

(i) With whom he is in any way related or connected; or

(ii) With whom he has or has had any pecuniary dealing or close acquaintanceship of any kind.

(iii) If at any time any subordinate officer in a prison has any relationship of any kind with any other subordinate officer employed in the same prison, it shall be his duty forthwith to inform the officer in charge of a prison or the Deputy Superintendent (Administration) of the fact of the existence of such relationship.

35.127. Person dismissed or punished criminally not to be employed without authority.-(1) No person who has at any time been dismissed from any office in the public service shall without the special sanction of the Government, given upon a full statement of the facts relating to such dismissal, be deemed to be

qualified for appointment as or be at any time appointed to be, an officer of any prison.

(2) No person who has at any time been convicted of any offence against the criminal law, and punished with imprisonment shall, without the sanction of the Government, be deemed to be qualified for appointment as or be at any time appointed to be an officer of any prison.

NOTE: Only persons of good conduct and respectable character are to be employed as prison officers.

35.128. Duty of candidates to disclose previous punishment.-Before any person is, whether temporarily or permanently, appointed to be an officer in any prison, he shall be required to make a declaration that he has not at any time been dismissed from the public service or convicted of any offence and punished with imprisonment. Provided that if any such person has been so dismissed or convicted and punished, he may instead of making a declaration as aforesaid, make a full disclosure of the circumstances attending such dismissal or conviction and punishment, for the information and orders of the proper authority.

35.129. Prohibition against business and pecuniary transactions.-No subordinate officer shall, whether directly or indirectly:

- (i) Engage in any trade, business or employment other than his duties as such subordinate officer or;
- (ii) Lend money to, borrow money from, enter into any pecuniary transaction with, or incur any obligation in favor of any other subordinate officer or any prisoner.

35.130. Residence of officer in quarters provided at the prison.-(1)Residential quarters shall ordinarily be provided at each prison, for all the Deputy Superintendents, Senior Assistant Superintendents, Assistant Superintendents, welfare officer, medical personnel, and the staff of warders.

(2) Every officer of a prison for whom any residential quarters shall at any time be provided at such prison, shall reside therein.

(3) Every officer for whom no residential quarters are available at any prison, shall (except in the case of medical personnel holding dual appointment) reside within such distance of the prison as the officer in charge of a prison may, in his discretion, fix in that behalf, from time to time.

35.131. Subordinate officers and to be absent without leave.-Officers subordinate to the Deputy Superintendent shall not be absent from the prison without leave, duly approved from the officer in charge of a prison, or from the Deputy Superintendent.

- 35.132. Officers not to absent themselves. Procedure in granting short leave.**-(1) No subordinate officer shall, at any time, if such officer is subordinate to the Deputy Superintendent (Administration), the Deputy Superintendent (Administration) and, in any other case subordinate to the officer in charge of a prison, be absent from the prison premises, whether by day or night, without permission.
- (2) The Deputy Superintendent (Administration) shall not, without the sanction of the officer in charge of a prison, grant leave of absence to any subordinate officer, or permit any such officer to remain absent, for any period exceeding four hours at any one time.
- (3) Whenever any leave is granted by the Deputy Superintendent (Administration) to any subordinate officer, he shall at the time the leave is granted, enter the fact, and the period from which such leave is to commence, in his journal.
- (4) Every subordinate officer to whom any leave has, at any time, been granted shall immediately, on his return therefrom, personally report the fact of his return to the Deputy Superintendent (Administration), and the Deputy Superintendent (Administration) shall forthwith record such report in his journal.
- (5) The Deputy Superintendent (Administration) shall similarly record in the proper register, all leave granted by the officer in charge of a prison, and all reports made of return from leave so granted.
- 35.133. Absence caused by illness or other unavoidable cause.**-Whenever any subordinate officer is, at any time, prevented by sudden illness or other unavoidable cause, from attending the prison or performing his duties, shall forthwith give notice, or cause notice of the fact to be given to the Deputy Superintendent (Administration), and shall also communicate to that officer, the reasons for his absence or failure to perform his duties. The Deputy Superintendent (Administration) shall thereupon, make such arrangements as may be suitable and necessary for the due performance of the duties of such officer.
- 35.134. Officers to ascertain and perform their duties efficiently.**-It shall be the duty of every subordinate officer to make himself thoroughly acquainted with the duties of his office and the law, rules and regulations for the time being in force relating thereto, and to discharge his duties with zeal, honesty, alacrity and regularity.
- 35.135. Note-book to be maintained by certain officers.**-Every Deputy Superintendent, Senior Assistant Superintendent, Assistant Superintendent, Sub Assistant Superintendent and Head Warder, respectively shall, at all times, keep

a note-book in which entry of every verbal order given by any superior officer at the time when such order is so given, shall be made.

35.136. Subordinate officer to render prompt obedience.-It shall be the duty of every subordinate officer at all times to render prompt and implicit obedience to every lawful order given to him by any officer to whom he is in any way subordinate, or under whom he is for the time being employed, and to treat every superior officer with proper courtesy and respect.

35.137. Prohibition against communicating with prisoner's relatives and friends.-
(1) No subordinate officer shall otherwise than with the special permission of the officer in charge of prison, at any time:

- (i) Correspond or hold any intercourse or communication of any kind whatever with any relative or friend of any prisoner;
- (ii) Hold any unauthorized communication of any kind whatsoever with any prisoner;
- (iii) Correspond or hold any intercourse whatever with any discharged prisoner; and
- (iv) Permit any discharged prisoner or any relative or friend of any such prisoner to visit or remain at his quarters.

(2) No subordinate officer shall at any time:

- (i) Hold any unnecessary conversation with any prisoner;
- (ii) Treat any prisoner with familiarity; and
- (iii) Discuss any matter relating to the discipline or regulations of the prison with or within the hearing of any prisoner.

35.138. Officer to remain at their beats.-(1) Every subordinate officer shall, when on duty, except when ordered by a superior officer to go elsewhere or when going to or returning from duty confine himself to the limits of his beat or place of duty and remain there at. Idleness and lounging about the prison premises are at all times prohibited.

(2) No subordinate officer shall, at any time while on duty, smoke or drink, sing or talk loudly, cook or eat his food, or in any way conduct himself in any unseemly or disorderly manner.

NOTE: All wrangling or disputes between prison officers and servants are prohibited. Any disagreement between subordinate officers, as to any matter connected with their duties, must be at once referred to the Deputy Superintendent concerned.

- 35.139. Visitors to subordinate officer.**-No subordinate officer shall, at any time, be permitted to receive any visitor within the prison walls, or while on duty outside the prison.
- 35.140. Procedure as to the making of complaints.**-(1) Any subordinate officer, desiring to make any complaint of any kind shall do so, in writing, to the officer in charge of a prison, within twenty-four hours of the occurrence of the cause of complaint.
- (2) The making of frivolous, vexatious or false complaints is prohibited.
- 35.141. Combined action amongst officer prohibited.**-Subordinate officers are prohibited from taking part in any joint or combined action with a view to agitate for the redressal of any grievance or supposed grievance, or for any other purpose whatsoever.
- 35.142. Care and management of keys.**-(1) No subordinate officer, who at any time, entrusted with any key shall, under any circumstances or on any pretext whatsoever:
- (i) Take any key belonging to a lock in use for securing the custody of any prisoner, out of the prison;
 - (ii) Leave any such key lying about;
 - (iii) Deliver any such key to any person other than to an officer of the prison duly authorized to receive such key or to have the care or custody thereof; and
 - (iv) Leave his post or duty or the prison without delivering such key to the officer duly authorized to receive the same from him.
- (2) The key of any ward, cell, compartment, godown, main gate, or main gate wicket shall not, under any circumstances or on any pretext, be at any time made over to any prisoner.

NOTE 1: If any key is lost or mislaid, the lock or locks to which it belongs shall at once be put out of use, and new lock shall be installed in place of the above said lock, and enquiry shall be conducted on the orders of officer in charge of a prison in this regard to ascertain reasons for the above. Keys shall ordinarily be slung on a chain which shall be secured to the waist-belt.

NOTE 2: When any key has worn-out or unserviceable, a duplicate key shall be issued by the Deputy Superintendent, in whose custody all duplicate keys of locks shall be retained. The original key shall be destroyed in the presence of officer in charge of prison, who shall give a note to that effect in his journal.

35.143. Prohibition against sleeping on duty and committing other irregularities.-

No subordinate officer shall at any time:-

- (i) Be an addict or under the influence of narcotics and psychotropic substance(s);
- (ii) Involve in corrupt practice in association with other officers or prisoners;
- (iii) Connive in smuggling of any prohibited articles into the prison premises;
- (iv) Be a member of, or to be associated in any way with, any union or any society, institution or forms any union with other subordinate officers;
- (v) Display cowardice while in the discharge of any duty of his office;
- (vi) Be in a state of intoxication;
- (vii) Sleep while on duty;
- (viii) Enter or permit any person to enter, any enclosure, yard, ward, cell compartment or other part of a prison reserved for or allotted to the use of or for occupation by any female, otherwise than at the times and in the manner prescribed in that behalf by the competent authority;
- (ix) Commit, or permit or abet the commission of, any irregularity in the supply or distribution of food, clothes or other articles to, or amongst, any prisoners;
- (x) Be guilty of any act of insubordination, disobedience or breach of duty; and
- (xi) Malingering or render himself unable or unfit to discharge his duties or any of them.

NOTE 1: Irregularities listed on serial no. (i), (ii), (iii) and (iv) shall normally attract dismissal once proved after enquiry.

NOTE 2: Alco meter with a printer shall be provided in every prison to record alcohol levels of Guard on duty.

(b) Punishments

35.144. Offences by prison subordinates.-(1) Every Deputy Superintendent, or officer of prison subordinate to him, who shall be guilty of any violation of duty, or willful breach, or neglect of any rule or regulation, or lawful order made by competent authority, or withdrawal from duties of his office without permission, or without having given previous notice in writing of his intention for the notice period of two months, or who shall willfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison duty, or who shall be guilty of cowardice, shall be liable on conviction before a magistrate to a fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both.

- (2) No person shall be punished twice for the same offence.

(c) Miscellaneous matters

- 35.145.** Every non-gazetted officer shall, on appointment be furnished (at his own expense) with a service book, in which all changes or appointment, offences punishment, leave, transfer and changes of pay shall be recorded under the initials of the officer in charge of prison. This book shall be kept in the office of the prison to which the officer is attached, in the custody of the Deputy Superintendent. On the transfer of an officer, his service book, after all necessary entries have been made in it, shall be sent under registered cover without delay, to the officer in charge of prison to which he is transferred. On the resignation or discharge without fault of an officer (except retirement on pension), his service book shall be given to him after making an entry to this effect in the service book.
- 35.146. Prison officers of all ranks to declare mobile phone number(s), address etc.**-(1) Prison officers shall declare to the department in a specified format, details of all mobile phone number(s) that are being used by them, and those registered in their name but being used by someone else. Prison officers shall only use mobile phone(s) with SIM/e-SIM registered in their name. Non declaration of mobile phone(s)/ SIMs being used by prison officers or use of mobile phone/ SIM registered in someone else's name shall be construed as a major misconduct.
- (2) The Prison officers shall inform the department their current and permanent address for contact during any kind of emergency.
- (3) Prison officers shall provide to the department contact details of the person (name, address, mobile number) to be contacted in case of an emergency.
- (4) All prison officers shall intimate to the department any change of address or of mobile number(s) within 14 days of such change. Failure to do so shall be construed as a major misconduct.
- 35.147. Restriction on Rights of Prison Officers.**-For the purpose of achieving the objectives of these rules, and for meeting the mandate of a uniformed law enforcement organization, the Head of Department shall issue suitable instructions restricting day to day conduct and/or conveniences of prison officers which may be available to other government servants but restriction of the same is absolutely essential for maintenance of a healthy operation environment in the prison.

Section XII

Warders or Head Warders

(a) Circle (region) of employment

- 35.148.** (1) For the purposes of the appointment, transfer, promotion of warders, and

for better organization of warder establishment of the state, there shall be three circles, namely, Patiala, Ferozepur and Amritsar circle comprising of prisons as mentioned below:-

Patiala circle	Ferozepur circle	Amritsar circle
1. Central Prison Patiala	Central Prison Ferozepur	Central Prison Amritsar
2. Central Prison Ludhiana	Central Prison Bathinda	Central Prison Gurdaspur
3. District Prison Sangrur	Central Prison Faridkot	Central Prison Kapurthala
4. District Prison Ropar	District Prison Sri Muktsar Sahib	Central Prison Hoshiarpur
5. District Prison Barnala	District Prison Mansa	Central Prison Goindwal Sahib
6. New District Prison Nabha	Sub Prison Moga	Sub Prison Patti
7. Maximum Security Prison Nabha	Sub Prison Fazilka	Sub Prison Pathankot
8. Borstal Prison	Women Prison Bathinda	
9. Open Prison Nabha		
10. Women Prison Ludhiana.		
11. Sub Prison Malerkotla		

(2) The Head of Department may, in his discretion, at any time transfer any prison from any one circle to any other circle or create one or more additional circles.

(3) The management of the warder establishment of each prison shall, for the purposes of, and to the extent provided in these rules, rest with the Deputy Inspector General Prisons of the circle to which such prison, for the time being is comprised.

35.149. Appointment and promotion of warders within circle.-The recruitment posting, transfer, seniority, promotion and punishment of warders shall be regulated by the provisions of the Punjab Prisons Department State Services (Class III-Executive) Rules.

35.150. Conditions as to the prison to which posted.-The posting of a warder to a prison in his home district or to a prison in a district in which he has been long resident, shall be identified as per the transfer policy notified by the Department from time to time.

35.151. Service Register and Service Sheets.-A service register shall be maintained in the office of officer in charge of prison wherever the head warder or warder is posted. It shall record the particulars of appointment, promotion, home district, place in which service has been passed, rewards, offences, punishments and leave, with the dates in each case of every warder posted in the prison.

35.152. Monthly statement of offences and punishment.-In the same statement, record of the offences committed by and the punishments (excluding formal reprimands) awarded to the warders shall be shown.

NOTE: Temporary warders shall not be entered on the list and warders officiating as Head Warders shall be shown against the grade to which they permanently belong.

35.153. On the occurrence of permanent vacancy.-When a permanent vacancy occurs in any prison, the officer in charge of prison shall report the fact to the Deputy Inspector General, Prisons (Circle) within 15 days, with a view to fill up the vacancy.

35.154. When a warder gets leave or is suspended.-When a warder is granted leave or suspended, the officer in charge of prison to which the warder is at the time attached, shall make his own arrangements for carrying out the work of the absentee.

35.155. Separate accommodation for warders.-All Head Warders shall be provided with separate quarters for themselves, and their families, and all warders shall be provided with sleeping and cooking accommodation on the prison premises, and wherever possible, suitable accommodation for their families as well.

NOTE: Simple warders' barracks shall be provided with electric light and fans at the expense of the State.

35.156. Transfer of warders.-Transfer of warders from one circle to another, or within a circle shall be made as per the transfer policy notified by the Department from time to time.

NOTE: The Department may frame a transfer or rotation policy of warders to keep a check on their extended stay in one particular prison, or one specific post in the precinct of a prison.

35.157. Certain men not to be entertained.-No warder who has left the prison service shall again be entertained without the sanction of the Head of Department.

35.158. Military training of warders.-Every warder shall be required, from time to time, to undergo such instruction and practice in the nature of military training as may be necessary to acquaint him, and keep him acquainted with squad, and company drill, and to render him thoroughly efficient in the use of the arms at any time prescribed for the use of warders. The hours of duty to be exacted from warders shall not ordinarily exceed an average of eight and half hours, or a maximum of nine and half hours on any one day. Each of these periods includes half an hour drill.

35.159. Military discipline of warders.-Warders shall be subject to such discipline in the nature of military discipline, as may, in the opinion of the Head of Department, deemed to be necessary for the efficient discharge of all duties and functions connected with the protection and management of the prison.

35.160. Rewards.-(1) Good conduct stripes, not exceeding three in all, and not more than one on any one occasion, may be awarded to a Warder/Matron by the Deputy Inspector General, Prisons (Circle) for good service within the course of his duties. Not more than ten good conduct stripes shall be awarded in any Circle in any calendar year. For the purpose of award of good conduct stripes, good conduct shall mean:-

- (i) Special excellence in drill;
 - (ii) Exceptional work in garden, factory or elsewhere related to prison administration;
 - (iii) Rendering prompt first aid in case of accidents or other emergencies in and around the prison or prison related duty;
 - (iv) Exemplary service for a long period (at least 7 years);
 - (v) Furnishing valuable information.
 - (vi) For any other outstanding or exemplary work, to be granted with approval of head of department.
- (2) The officer in charge of prison may forfeit one or more good conduct stripes from any Warder/Matron or Head Warder/Head Matron for any act of misconduct, subject to confirmation of such withdrawal by the Deputy Inspector General, Prisons (Circle).
- (3) All awards of or forfeiture of good conduct stripes shall be recorded in the service book of the official concerned.
- (4) Good conduct stripes shall be worn on flap of pocket on the right side of chest (maximum upto three).
- (5) A Warder/Matron promoted to Head Warder/Head Matron may continue to wear all good conduct stripes, of which he may be in possession.
- (6) The officer in charge of prison shall refer every case for the grant of good conduct stripes to the Deputy Inspector General, Prisons (Circle), who shall make such award as deemed suitable, and may also award cash reward not exceeding rupees one thousand (Rs. 1000 only).
- (7) The officer in charge of any prison may grant, in addition to any other reward for which he may be eligible, a commendation certificate to a Warder/

Matron or Head Warder/Head Matron who gives valuable information.

(8) The Head of Department and the Inspector General may award good conduct stripes to a Warder/Matron, and cash rewards not exceeding rupees twenty-five hundred (Rs. 2500) and rupees one thousand and five hundred (Rs. 1500) only respectively, in any one case, to a Warder/Matron or Head Warder/Head Matron or gate-keeper for special services of the kind specified in rule (1) and also for the following: -

- (i) Bravery in preventing an escape or disturbance, etc.;
- (ii) Special skill or energy in recapturing a run-away where the escape was not due to the negligence of the Warder/Matron or Head Warder/Head Matron whom it is proposed to reward;
- (iii) Securing the highest number of marks in the annual firing competition;
- (iv) Rendering valuable assistance to the officers of the prison in its management;
- (v) Furnishing a clue which leads to the discovery of stolen government property, or giving information regarding plots for escape or for mutiny etc;
- (vi) Exceptional fidelity or courage;
- (vii) Special care of uniform, arms and equipment;
- (viii) Gardening; and
- (ix) Other miscellaneous service.

(9) The total number of good conduct stripes, including those awarded by the Director General or Inspector General to be granted to any Warder/Matron or Head Warder/Head Matron shall not exceed three under any circumstances whatsoever.

(10) On grounds of serious misconduct by any Warder/Matron or Head Warder/Head Matron, the officer Incharge of a Prison may recommend forfeiture of good conduct stripes awarded by the Director General or Inspector General, to the office that had awarded the same.

(11) Good conduct stripes earned by officers in the rank of Warder/Matron or Head Warder/Head Matron shall not be carried over on promotion to the rank of Assistant Superintendent. There shall be no provision of grant of, or wearing of good conduct stripes for officers of rank Assistant Superintendent and above.

(12) The Head of Department may grant a reward not exceeding Rs. 5000/- (rupees five thousand) to any person other than an officer of prisons department, who furnishes valuable information such as regards to stolen Government property, misconduct of warders, etc.

(b) Head Warders

35.161. Summary of duties of Head Warders.-It shall be the duty of every Head Warder to:-

- (i) Superintend the warders subordinate to him in the discharge of their duties;
- (ii) Assist in every possible way in the management of the prison, prevention of escapes, and the maintenance of order and discipline generally amongst subordinate officers and prisoners;
- (iii) Comply with the requirements of all laws, rules regulations, directions and orders for the time being in force as to the duties which he is to perform and the manner in which he is to perform them;
- (iv) Obey the orders of all officers, superior to him in rank;
- (v) Assist the Deputy Superintendent in all routine duties;
- (vi) Open in the presence of the Deputy/Assistant Superintendent, the sleeping wards, cells and other compartments each morning and count the prisoners;
- (vii) Distribute the prisoners, who are liable to labour each morning to their respective work-gangs;
- (viii) Cause the name of every prisoner placed in charge of any warder to be entered in the proper group-book;
- (ix) Issue all necessary tools, implements, raw materials and other articles required for the day's work and to make a record of all articles so issued;
- (x) Collect all such articles, together with the produce, if any, of the prisoner's labour after the period prescribed for work is over each evening;
- (xi) Satisfy himself that all articles issued have been duly returned to him or accounted for;
- (xii) Measure or check the task (if any) performed by each prisoner and note the same in the labour register;
- (xiii) Superintend the use of the latrines and all bathing and feeding parades;
- (xiv) Cause all gratings doors and the like, to be secured and satisfy himself from time to time that they are secure;
- (xv) Cause all bamboos, scantlings, poles, ladders, ropes well gear and other articles likely to be used for or to facilitate the escape of any prisoner to be removed and placed beyond the reach of the prisoners in the places prescribed for storing or keeping the same;

(ii) Keep constantly moving about while on day duty, amongst the prisoners supervising the work, discipline of the prison, and keeping the warders and convict officers on the alert;

(iii) In the presence of the Deputy Superintendent(Administration), to count, search and lock-up the prisoners in their respective wards, cells and other compartments, at the prescribed time each evening, and

(iv) Give the warders half-an-hour's drill every day.

NOTE: The expression "Head Warder" may also include "Warder", when responsibility described is assigned to a warder due to operational or administrative reasons.

35.162. Responsibility of Head Warder in regard to Government property.-The Head Warder shall be responsible for the safe custody of government property, and all bedding, clothing, utensils etc. with the prisoners under his charge.

35.163. Duties of Head Warders on relieving guard.-(1) Every Head Warder shall, at least ten minutes before the hour fixed for relieving the guard on duty, collect the warders of the relieving guard inside the main gate (deori) of the prison. At the proper time, he shall march the relieving guard of warders to their respective posts and remove the guard to be relieved.

(2) While relieving the warders of gangs working outside the walls, the Head Warder concerned of the relieving guard shall, before removing the warders then in charge and about to be relieved, muster the prisoners and satisfy himself that the gang is complete and is made up in the manner recorded in the gang-book.

35.164. How the relief of warders is to be carried out.-Warders, whether going on or off duty, shall be marched in file. Each warder shall be posted in the presence of both the relieving and relieved Head Warders, the relieving warder being taken from the front, and the relieved warder falling in at the rear of the squad. When the relief is complete, the relieved Head Warder shall march the relieved warders to the main gate and then dismiss them.

35.165. Relief of gate keepers.-The Head Warder for the time, being on day duty, shall be responsible that the gate-keepers are relieved, and changed as often as may be specified by the officer in charge of prison in that behalf.

35.166. Periods of duty and drill arrangements of duties.-(1) Every Head Warder shall ordinarily be on duty for six hours daily, exclusive of the period spent on night duty and drill, and at the opening of wards, cells and other compartments in the morning and the locking up of prisoners at night.

(2) Every Head Warder shall attend such drills and parades for instruction in

drilling, maneuvering, practice in the use of arms and other matters in the nature of military training, as the officer in charge of a prison may from time to time prescribe in that behalf.

(3) The periods of duty shall be so arranged, that a Head Warder shall be present at every relief of warders from duty of any kind, throughout day and night.

35.167. Remission of drill to Head Warders.-Every Head Warder shall attend drill parades daily, until he himself becomes qualified to drill the warders; when he shall not, except as a punishment, be required to attend more than twice a week.

35.168. Procedure in relieving guards over female prisoners.-In the case of prisons, wards and other compartments set apart for female prisoners, at each change of warders, the relieved and relieving Head Warders shall, without entering the wards, cells compartments or enclosures occupied by female prisoners, ascertain from the matrons that all the female prisoners who must be confined therein, are present.

35.169. Custody of keys.-(1) The keys of the prison shall, when not in use or in the personal custody of any officer of the prison, be kept in a locked receptacle to be kept for the purpose at the main gate, and the key of such receptacle shall, by day, be retained by the Head Warder, and by night, by the patrolling officer for the time being on duty.

(2) Any key, which any officer may have to carry about in his person, while on duty, shall be attached to his person by means of a stout chain.

35.170. Duties of Head Warders responsible for drill.-The duties of the Head Warders responsible for drill are to -

- (i) Give each warder (except those who are exempt) half an hour's drill every day, and report every such warder who absents himself;
- (ii) Give effect to any punishment drill ordered by the officer in charge of prison;
- (iii) Inspect all arms and accoutrements on a daily basis, and see that they are kept clean and fit for immediate use;
- (iv) Take charge of the armory, ammunition and spare accoutrements keep they key of the armory in his possession, see that the ammunition is kept dry and in good order, that ten rounds of rifle (weapon) ammunition for each rifle are always kept ready for use;
- (v) Satisfy himself that each sentry knows and understands the orders for his post; and
- (vi) Keep an account of ammunition in stock received and expended.

35.171. Report to be made by Head Warder on arrival of Officer in Charge of Prison.-The Head Warders shall, on the arrival of the officer in charge of prison daily, report to that officer:

- (i) If the arms and ammunition are ready for use in case of emergency;
- (ii) Any other matter of importance that has come to his knowledge.

(c) Gate Keepers

35.172. Duties of gate keepers.-(1) A Head Warder shall be constantly on duty, as gate-keeper, at the main gate of every prison, between the hours of opening the prison in the morning and closing it at night.

(2) At every relief of any gate-keeper, a note of the hour of such relief shall be recorded and signed by both the relieved and relieving officer.

35.173. Duties of gate keeper.-The officer acting as a gate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and if any such article or property be found, shall give immediate notice thereof to the Deputy Superintendent (Administration).

35.174. Registers of gate keepers and their duties.-(1) In addition to the duty prescribed for gate-keepers under provisions of the Act, the gate-keeper shall maintain such registers, and enter therein such particulars as the Head of Department may prescribe in that behalf, from time to time.

(2) The gate-keeper shall comply with all rules, regulations, directions and orders, respectively, for the time being in force, regulating the persons who may be permitted ingress to and egress from, and the articles which may be taken into and brought out of the prison, and generally the duties which he is to perform, and the manner in which he is to perform them.

35.175. Record of persons and things passed into or out of the prison.-The gate-keeper shall keep a record in the prescribed register, of the names of all persons whomsoever, at any time, pass in or out of the prison, with record of the exact timing (hour and minute) of the entry and exit of every such person. Names of all persons entering and exiting the prison shall be entered separately. As far as possible, a sufficient description of every article of whatever kind passed in or out of the prison be maintained.

35.176. Description of gate registers.-(1) The record of all persons, who pass in or out of the prison prescribed by the preceding rule shall be kept in two separate books namely:

- (i) A register of all prisoners with the name of the officers in charge of them, and
- (ii) A register of all other persons.
- (2) The sufficient description of every article means the name, number or weight as the case may be, and such other particulars as may be necessary of all goods, tools, stores or other articles passed in or out of the prison.

NOTE: The name of the officer in whose charge, authorized articles are passed in or out with the hour and minute of their passage shall be recorded. All entries of persons or articles shall be made at the time of their passage and in a consecutive order.

35.177. Hours of Duty of Gate-Keeper.-At the opening of the prison, the gate-keeper of the first watch shall come on duty and remain between the gates until duly relieved. For these officers, the day may be divided into two or four watches as may be deemed expedient.

35.178. Working of the Double Gate System.-In prisons provided with the double gates and wickets, the gate-keepers shall open only one gate or wicket at a time and before doing so, shall assure himself that the other means of entry and exits are securely bolted and locked. Ingress and egress for ordinary purposes shall take place through the wicket door-ways. The inner gate shall be provided with an eye-hole to enable the gate-keeper to see into the prison without the necessity of opening either the inner gate or wickets.

35.179. Procedure when passing into or out of the prison.-When prisoners have to be passed into or out of prison with double gates, the following procedure shall be followed:

- (i) On passing prisoners out, the gate-keeper shall first let them through the inner wicket and having locked it, shall write in full in the register provided for the purpose, the names of all the prisoners, the Head Warder or Warder in charge and the warder assisting them. He shall then open the wicket in the outer gate and count the prisoners as they pass out, to verify the total.
- (ii) The list of the gang having once been made in the gate register need not been written on each occasion of its passage through the main gate, but every change in the gang must be noted and attested by the signature or seal of the warder in charge as well as by that of the gate-keeper, who shall at once report to the Deputy Superintendent the circumstances.
- (iii) On a gang returning to the entrance from outside, the gate-keeper shall open the outer wicket (the inner one being locked first), and admit the gang

to the passage between the gates. He shall then lock the outer wicket and call out the names of each prisoner and warder as recorded in the register. The gang having been found correct, he shall open the inner wicket and count the prisoners as they pass into the prison, to verify the total number.

- (iv) The gate-keeper shall not allow any prisoner to be taken out of the prison, who is not in charge of a guard of the proper strength duly authorized to take him outside.

35.180. Gate keeper responsible for the cleanliness, etc. of the main gate.-The gate keeper shall be responsible for the cleanliness of the prison front, the main gates and the passage between them and all articles placed thereunder his charge. He shall also be responsible that the torches etc. required in case of a night alarm are present and in serviceable condition.

35.181. Persons allowed entering the prison.-The gate-keeper shall be furnished with a list of all officials and visitors who are entitled to enter the prison, and shall admit such person on their presenting themselves for admission. He shall not admit any one else except the officers of the prison who are authorized to enter unless under a written order, from or when accompanied by the officer in charge of prison, Deputy Inspector General Prisons, Inspector General Prisons and the Head of Department or the District Magistrate.

35.182. Officers ordinarily except from being searched.-(1) All officials and non-official visitors, casual visitors admitted by order of the officer in charge of prison, Head of Department or District Magistrate as well as the higher officials of the prison, shall ordinarily be exempt from being searched.

(2) If the gate-keeper has a reason to suspect that any officer ordinarily exempted from search, is introducing or removing prohibited articles, he may detain the person between the gates, and send notice to the Deputy Superintendent (Administration) who shall himself search the person. A copy of this order shall be hung up in the passage between the main gates for general information.

35.183. Power of gate-keeper to detain persons.-Pending the making of a report to the Deputy Superintendent (Administration), and the officer in charge of prison, the gate-keeper may detain, or cause to be detained in custody, any person who may in his presence, sight or hearing commit any criminal or prison offence at or in the vicinity of the prison gate.

35.184. Gate keeper's duty with regard to keys.-The gate and the wicket of the gate of every prison shall, except when it is necessary to open the same for the purpose of lawfully passing any person, or thing into or out of the prison, be kept shut and locked, and the gate-keeper for the time being on duty shall retain the keys of the

locks of such gate and wicket in his personal possession until the prisoners are locked up for the night.

35.185. Making over the keys of the gate at lock up.-When the prisoners are locked up for the night, a second padlock shall be locked on the wicket of the inner gate, and the gate-keeper shall then deliver the keys of the inner and outer gates to the Deputy Superintendent (Administration) for custody in the receptacle provided for the purpose, and in whose presence he shall make over the keys of the locks of the wicket to the Head Warder in charge of the gate picket.

35.186. Gate keeper's keys to be kept in a bunch with others.-The gate-keeper shall keep the keys of the main gates and wickets attached to his waist belt by a chain, and in a bunch with a few others, so that it may be difficult for any prisoner obtaining possession of the bunch, to ascertain what key belonged to any particular lock.

35.187. Bright lights at night.-All bright light suspended from the ceiling shall be kept continuously running between the gates at night.

35.188. Articles to be kept between the gates.-In the passage between the main gate, shall ordinarily be kept:

- (i) a clock;
- (ii) a weighing machine;
- (iii) a measuring staff;
- (iv) spare handcuffs, secured on a bar with lock and key;
- (v) a standing desk with lock and key, for the gate-keeper's books and writing materials;
- (vi) a wall –almirah or box for keys;
- (vii) the Deputy Superintendent's cash chest;
- (viii) a box for torches and oil; and
- (ix) apparatus for extinguishing fire, and notice boards.

NOTE: These items can change or increase or decrease as per operational requirements of prisons such as X-ray baggage scanners, Door Frame Metal Detectors, Hand Held Metal Detectors, etc.

(d) Warders

35.189. Warders to have a particular charge assigned to them.-Each warder shall have a particular duty assigned to him by the officer in charge of a prison or Deputy Superintendent, such as charge of a ward, or set of wards, a work-shop or set of workshops, or gang of prisoners either inside or outside the prison. The

posts and duties of warders shall be frequently changed so as to prevent them from forming relations with any of the prisoners.

35.190. General duties of warders.—(1) It shall be the duty of every warder at all times to:

- (i) Render all assistance in his power in the management of the prison the maintenance of order and discipline amongst both officers and prisoners and the guarding and defending of the prison and all persons and property kept therein or belonging thereto against the use of criminal force by any person;
- (ii) Obey the orders of all officers, superior to him in rank;
- (iii) Comply with the requirements of all laws, rules regulations, directions, and orders for the time being in force regulating the duties which he is to perform and the manner in which he is to perform them;
- (iv) Take proper care of all property of whatever kind at any time entrusted to him and duly to account for the same whenever called upon so to do;
- (v) Be in a state of readiness to turn out fully accoutered and armed immediately, whenever called on to do so or an alarm is given, and to do all lawful acts and things necessary or expedient for the purpose of maintaining order, quelling any disturbance, preventing any combined attempt to escape or to break out of prison defending the prison and all property therein or thereto pertaining from attacks from within or without the prison; and
- (vi) Be deployed as personal security officers to senior prison officers serving or retired, and their family members keeping in view actual threat perception.

NOTE: The department shall define the number of personal security officers allowed on the basis of rank, and the actual threat perception, from time to time.

(2) It shall be the duty of every warder:-

- (i) Not to take off any portion of his uniform or lie or sit down whilst on duty;
- (ii) To know the number of prisoners in his charge, to count them frequently during his turn of duty, and to satisfy himself that he has in his custody, not only the correct number, but the particular prisoners for whom he is responsible;
- (iii) To search all prisoners he received in his charge, or makes over to the charge of any other officer, at the time of receiving and making over charge respectively;
- (iv) To report every prisoner in his charge who has been idle, or who has not completed his task, or who has committed any other prison offence;

- (v) To see that any prisoner, who has to go to the latrine at unauthorized times, is made over to the charge of a responsible officer whilst away from the gang;
- (vi) To bring to the notice of the Deputy Superintendent (Administration) any prisoner appearing to be ill or complaining of sickness;
- (vii) To report any plots for the purpose of escaping or of assault or outbreak or of obtaining forbidden articles;
- (viii) To prepare prisoners for muster and parades and to see that each prisoner comes to his proper place in proper order and behaves well;
- (ix) To follow the procedure laid down for his guidance when any prisoner is missing, and;
- (x) To keep his arms and accoutrements clean, in good order and fit for immediate use.

35.191. No warder to leave his post. Mode of relief.-(1) No warder shall, while on duty at any time, under any circumstances, on any pretext, leave his post or absent himself from duty until relieved, in due course and relieved from duty.

Provided that he may leave his beat to prevent an escape or to assist in subduing a disturbance taking place within his sight when he is on main wall patrol duty or when he is in charge of prisoners, if he can do so without serious risk to the safe custody of those prisoners. It rests upon the warder concerned to show that the circumstances were so exceptional as to justify his doing so.

(2) No relief shall, whether by day or night, be effected otherwise than in the presence of both the relieved and relieving officer, and also of a third officer, who shall ordinarily be the Head Warder, whose duty is to carry out such relief.

35.192. Duties of warder on being relieved.-A warder on being relieved, shall explain to his successor what the duties of the charge are, and shall bring to notice any long-termed or dangerous prisoners. The relieving officer shall, before taking charge satisfy himself that the property, and the number of prisoners made over to him are correct.

35.193. Distribution of duties.-The more important duties in every prison shall be entrusted to the senior and experienced warders whereas, apprentice and junior warders shall be given less responsible charges.

35.194. Arms of warders.-(1) Every warder shall be provided with modern arms and ammunition handling and usage training.

(2) All arms and ammunition shall, when not in actual use, be securely kept in the armory.

- 35.195. Duties posting etc, by whom regulated.**-The general duties of watch and ward, the posting and duties of guards and sentries, the fixing of the periods of duty for guards and sentries, and of the strength of such guards, and all matters relating to the protection of the prison and of prisoners, and the duties of warders and the like, shall be regulated by the officer in charge of prison in accordance with any general or special orders issued by the Head of Department, from time to time; and in emergent cases or matters as to which no provision has been made in any such order, by the orders of the officer in charge of prison.
- 35.196. Warder guard to furnish sentry assist in night-watch. Position and arming of sentry.**- (1) The warder guard shall furnish one sentry at the main gate, day and night, and shall assist in watching at night, to the extent specified by the officer in charge of prison.
- (2) The day sentry at the main gate shall be posted immediately outside the outer gate, and shall carry his rifle with bayonet fixed and ammunition. The rifle shall be loaded having no round in the chamber, but twelve rounds (one packed of ten and two loose cartridges) of rifle (weapon) shall be kept in the pouch which shall be brought round to the front of the belt the flap being left unbuttoned.
- (3) The night sentry at the main gate shall be posted between the gates, and shall also be in possession of twelve rounds of ammunition.
- 35.197. To provide a second sentry in central prisons.**-In central prisons and district prisons, the warder guard shall provide another sentry for the central tower or other commanding position. This sentry shall be on duty before the wards are opened in the morning till after the lockup at night. If his beat is secure from a rush, he shall be armed with a rifle, bayonet and ammunition, otherwise he shall be provided with a baton.
- 35.198. Sentry's picket.**-Three junior warders and one senior warder shall form the main gate picket of every prison from six a.m. to six p.m. They shall be specially selected and as far as possible, be ex-service men.
- 35.199. Hours that the warders are to be in uniform.**-Every warder shall be in uniform when on duty and attending drill parade.
- (i) To mount guard with fixed bayonet more briskly on his post with his rifle at "the slope", and not to order arms nor stand at ease for more than two minutes at one time;
- (ii) Not to enter into conversation with anyone except when questioned by a superior officer;
- (iii) Not to interfere unnecessarily with any prisoner or prison officer;

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- (iv) Not to leave his post without regular relief upon any pretense whatever;
 - (v) Not to allow any person to approach near his post after dark, without challenging;
 - (vi) Challenging after dark to warn the person challenged, if the reply is unsatisfactory to stand until the officer in charge of the picket arrives bringing his rifle at the same time to "the charge";
 - (vii) Challenging on a dark night on hearing voices or the approach of footsteps, if he receives no answer, or an unsatisfactory answer to call the officer in charge of the picket or if necessary give the alarm;
 - (viii) When on duty at night satisfy himself that the main gates and wickets are securely locked;
 - (ix) Not to allow persons to crowd around him;
 - (x) If he sees a prisoner attempting to escape to call on him to stand, and if he refuses to do so and there is no superior officer present, to fire on the prisoner, provided he cannot otherwise prevent the escape;
 - (xi) If he is beyond call and has to alarm the guard to fire a shot in the air as the signal of an alarm;
 - (xii) If he sees any article in or near the prison likely to facilitate escape, or if any un-usual incident comes under his observation to at once report the matter to the officer in charge of the picket;
 - (xiii) When on duty at the main gate at night not to allow any person to enter or leave the prison who is not an official duly authorized to enter on leave, and not to permit any warder to enter or leave except when accompanied by the patrolling officer on duty or one of the superior officials;
 - (xiv) When a duty at night not to challenge so loudly as to be heard by the patrolling officer or warders on duty inside the prison and not to give notice to these officers of the approach of any visitor, when no Head Warder is in charge of the gate at night;
 - (xv) To retain in his possession at night the key of the lock of the outer wicket and the key of one of the locks of the inner wicket; and
 - (xvi) To enforce his orders firmly and without distinction of persons.

35.200. Daily inspection by Officer in Charge of Prison. Reception of visitors.-

The members of the warder guard mustered for morning drill, shall be inspected on parade every day, by the officer in charge of prison, and on his arrival at the prison, shall present arms. If an official or non-official visitor arrives while the

parade is in progress, the guard shall also present arms to the visitor. At other times, the gate picket shall turn out and stand to "attention."

- 35.201. Escort for visitors.**-The escort for an official, non-official or private visitor to prison shall consist of a warder armed with a baton, from the warder guard. This warder may be taken from the main-gate picket, if it is a double one otherwise he shall be taken from the men detailed for the next relief of the main gate picket.

(e) Head Matron and Matron.

- 35.202. Duties of Head Matron and Matrons.**-(1) In every prison with accommodation for female prisoners, or in which such prisoners are ordinarily detained or are liable to be detained, there shall be a female Deputy Superintendent or Assistant Superintendent or head matron or one or more matron, who shall, subject to the control of the superintendent, respectively, have complete charge of all female prisoners at any time committed to, or detained in the prison.

(2) The duties of the head matron and matron, respectively, shall, as regards female prisoners, be similar to those performed, as regards male prisoners, by head warders and warders, respectively, and all rules regulations, orders and directions for time being applicable to such head warders and warders, shall, as far as may be, to be applicable to head matrons and matrons, respectively.

- 35.203. Prohibition against males entering the prison accommodating female prisoners.**-(1) No male person employed in any capacity, or connected with the prison accommodating female prisoners shall, otherwise than in case of emergency and when called upon so to do by the Deputy Superintendent or a matron, and then only when accompanied by the deputy superintendent, or a matron, at any time enter any ward, cell, compartment, or other portion of or place in the said prison occupied by any female prisoner.

(2) The Female Assistant Superintendent shall discharge such duties as may be specified by the officer in charge of prison in that behalf, from time to time.

NOTE: A male Medical Officer, in pursuance of his duty, enter any ward, cell, compartment or place in the prison occupied by any female prisoner and remain therein while accompanied by a head matron or matron.

- 35.204. Duties as to the labour of Female Prisoners.**-The matron shall:

- (i) Daily escort all female prisoners to their work, make over to such female prisoners as are liable to undergo labour, their allotted task and escort all female prisoners back to their wards, cells or other compartments when the period prescribed for labour is over;
- (ii) Bring to the notice of officer in charge of prison every default on the part of

any female prisoner to complete allotted task;

- (iii) Enter, or cause to be entered daily, in the labour register, task assigned to, and the work actually performed by, each female prisoner; and
- (iv) Visit the female prisoners at their work at intervals of not more than one hour during the hours of labour on each day, and satisfy herself that every such prisoner is performing the task allotted to her diligently and according to the orders in force.

35.205. Entrance door of female ward, how to be regulated.—When the head matron is present on duty, the entrance door to the female ward shall be locked, by that warder, on the outside, and the head warder shall retain possession of the key of the lock. The entrance door to the female ward shall also be locked, by the head matron, on the inside.

35.206. Matron not to permit males to enter female ward.—No matron shall permit any male prisoner to have access to or enter any female cell or ward, compartment or any portion or place in prison occupied by female prisoner unless accompanied by any authorized prison officer and in accordance with the rules, regulations, directions and orders for the time being in force in that behalf and shall for with report, to the superintendent, if any prison officer or male prisoner who without proper authority or otherwise than in the discharge of some lawful duty, at any time enters or attempts to enter any such cell, ward, compartment, or other portion or place as aforesaid.

35.207. Additional establishment and scale.—(1) Under the provisions of the Section 6 of the Prisons Act, 1894, the Government can, in addition to the officers prescribed in that provision, sanction a scale of permanent establishment with specified ranks and pay equivalent to its counterpart in police department of each prison. No permanent establishment in excess of scale allowed in each case can be entertained without the sanction of the Government.

(2) When it is proposed to apply for an increase to the permanent establishment of any prison, proposition statement in triplicate shall be submitted to the government.

(3) The pay scale of the prison personnel shall be equal to its counterpart in police department.

CHAPTER 36
VISITORS

- 36.01.** (1) The Government shall, by notification, constitute a Board of Visitors comprising official and non-official members at district and sub-divisional level.
- (2) The task of the Board of Visitors shall include:-
- (i) Monitoring the correctional work in prisons, with special attention to the degree and quality of training and the effectiveness of infrastructure/ facilities in the prisons;
 - (ii) Suggesting new avenues leading to improvement in correctional work; and
 - (iii) Going into individual or collective grievances of prisoners and providing redressal in consultation with the prison authorities.
- (3) The Board of Visitors shall comprise the following official members:
- (i) Commissioners of Divisions;
 - (ii) District and Sessions Judges;
 - (iii) District Magistrate;
 - (iv) Chief Judicial Magistrate;
 - (v) CJM cum Secretary District legal service authority;
 - (vi) Sub-divisional Judicial Magistrate;
 - (vii) Sub-divisional Magistrates for subsidiary prisons;
 - (viii) Director (Employment & Training);
 - (ix) Director Social Welfare, Punjab;
 - (x) Director of Industries, Punjab;
 - (xi) Civil Surgeon;
 - (xii) Executive Engineer, Department of Building Construction;
 - (xiii) Executive Engineer, Department of Public Health & Engineering;
 - (xiv) District Education Officer dealing with literacy programme; and
 - (xv) Chairperson or member, State Women Commission, Punjab;
- (4) The Board shall make at least one visit per quarter and for this purpose, the presence of three members and the chairman shall constitute the quorum for meeting.
- 36.02. Non-official member of Board of Visitors.-**The Board of Visitors shall also comprise the following non-official members:-
- (i) Three members of the Legislative Assembly of the State out of which one must be a woman;

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- (ii) A nominee of the State Human Rights Commission; and
 - (iii) Two social workers of the district or sub-division; one of them shall be a woman having an interest in the administration of prisons and welfare of prisoners.
- 36.03.** The District Judge shall be the chairman of the Board of visitors at district level and the sub-divisional Judicial Magistrate shall be the Chairman at Sub-Division level. The non-official visitors after their appointment must be sensitized and trained about their duties, roles and the responsibilities.
- 36.04.** The Board of Visitors shall meet in the office of the officer in charge of prison at least once in every quarter.
- 36.05.** The minutes of every meeting of the Board of visitors shall be recorded in the visitors' Minute Book, and the same shall be forwarded to the Head of department with comments of the officer in charge of prison. A copy of the minutes shall also be dispatched to every member of the Board of visitors. The Head of department shall place a copy of the minutes of the last meeting/meetings of the Board of visitor of all the prisons before the State Advisory Board.
- 36.06.** When a non-official member of the Board of visitors visits a prison he shall be accompanied by at least one more member (official or non-official). The Chairman of the Board of visitors shall make a monthly roster of visits to be paid by the members of the Board to the prison, in consultation with the officer in charge of prison.
- 36.07.** The roster shall be made in such a manner, as will envisage at least one visit by a member in every month.
- 36.08.** Every non-official visitor is expected to interest himself in the upkeep of prisoners and visit the prison of which he is a visitor, once a month, and oftener, if possible.
- 36.09.** During visits, a visitor (Member of the Board of visitors) shall enjoy the right to converse secretly and separately with any prisoner who is willing to talk to the visitor. However, such separate interaction between a Visitor and a prisoner shall be held in a place within the prison, well within sight of a prison officer. The visitor, immediately after such conversation with a prisoner, shall inform the Chairman of the Board, in writing about what transpired in the conversation with the prisoner. The Chairman, if he thinks it necessary, shall take up the matter with the officer in charge of a prison.
- 36.10.** Any observations or comments made in the visitors' minute book, by any member of the Board, shall be forthwith brought to the notice of the Head of Department by the officer in charge of a prison, along with his own comments. The copy of the same shall also be sent to the visitor concerned and the Chairman of the Board of visitors.

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- 36.11.** The members of the Board of visitors shall specially attend to the quality and quantity of prison diet, condition of the kitchen and hospital, availability of medicines, hospital management, medical treatment of the prisoners, sanitary arrangements, aspects of vocational trainings, literacy program, and library facility for the prisoners.
- 36.12.** The officer in charge of a prison shall present before the visiting member or members of the Board of visitors, any paper or document pertaining to correctional work, recreation and trainings activities of prisoners, prison diets or medicines, grievances of prisoners and following of redressal of such grievance, if it is sought by a visiting member of the Board.
- 36.13.** The officer in charge of a prison shall not be bound to present any register or document or paper pertaining to financial accounts before a member of the Board of visitors without written approval of the Head of department.
- 36.14.** The officer in charge of a prison shall ensure that the prisoners lodging complaints with the visiting member or members of the Board of visitor do not subsequently fall prey to vendetta of the prisoner or prison staff, against whom, a complaint has been made.
- 36.15.** Following any such visits by member(s) of the Board of Visitors, the officer in charge of a prison shall inform the Head of department regarding the details of the visit.
- 36.16.** For the purpose of a meeting of the Board of visitors, one official visitor and two non-official visitors shall form a quorum.
- 36.17.** A non-official member of the Board of visitors shall hold office for a period of 2 years from the date his appointment to the Board, and may be considered for re-appointment.
- 36.18.** The appointing authority may cancel the appointment of any non-official visitor for reasons to be recorded in writing. Removal of non-official visitors must not be arbitrary and must be based on a sound reasoning. In particular, any removal must be made after following principles of natural justice.
- 36.19.** A non-official member of the Board of visitors shall receive allowances as may be sanctioned by the Government from time to time, for attending meetings of the Board of visitors.
- 36.20. Duties of visitors.-All visitors, official and non-official, at every visit shall -**
- (i) examine the cooked food;
 - (ii) inspect the barracks, wards, work-sheds and other buildings of the prison generally;
 - (iii) ascertain whether considerations of health, cleanliness and security are attended to, whether proper management and discipline are maintained in

every respect, and whether any prisoner is illegally detained, or is detained for undue length of time, while awaiting trial;

- (iv) examine prison registers and records, except secret records and records pertaining to accounts;
- (v) hear and attend to all representations and petitions made by or on behalf of the prisoners;
- (vi) direct, if deemed advisable, that any such representation or petition be forwarded to the Government; and
- (vii) Suggest new avenues for improvement in correctional work.

NOTE: A spare copy of the list of duties of the visitors will be made readily available to a visitor on the occasion of his visit to the prison. Each non-official visitor will be supplied with a copy of such list on his appointment.

36.21. Board of visitors to records remarks.—The Board of visitors shall record their remarks in the visitors' Book after every visit. A copy of these remarks shall be forwarded to the Head of department, who shall pass such orders as he thinks necessary. A copy of the order, passed by the Head of department, may be shared with the visitor concerned.

36.22. Visitors to be facilitated.—(1) The Board of visitors shall be afforded with every facility for observing the state of the prison and the management thereof, and shall be allowed access, under proper regulations, to all parts of the prison and every prisoner confined therein. They shall ordinarily not visit high security areas unless the instructions in this behalf are given by the Head of department.

(2) The Board of visitors shall have the power to call for and inspect any book, or other record, in the prison unless the officer in charge of a prison, for reasons to be recorded in writing, declines on the grounds that its production is undesirable. Similarly, every visitor shall have the right to see any prisoner and to put any question to him, out of hearing of any prison officer.

(3) Non-official visitors shall not visit prisoners who are not allowed to be interviewed on medical grounds.

(4) Visits shall not ordinarily be made after the prisoners have been locked for the night and on prison holidays.

36.23. District and Sessions Judge to visit and inspect Prisons.—It shall be the duty of the District & Sessions Judge to visit and inspect high security and other prisons and to satisfy him that all the rules, regulations, directions and orders made or issued to such prisons, are duly observed and enforced.

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- 36.24. Record of Inspection.**—A record of each visit and inspection shall be made in a register to be maintained by the officer in charge of a prison for this purpose.
- 36.25. District and Sessions Judge to communicate only with the Officer in charge of Prison.**—(1) The District and Sessions Judge shall not ordinarily address any communication or order to any officer of any prison below the officer in charge of prison. All orders issued by the District & Sessions Judge shall be in writing.
- (2) District and Sessions Judge's orders shall ordinarily be issued in the form of an entry in the Visitor's Book. The judge is not required to interfere in matters of detail, effecting management of a prison.
- (3) If District and Sessions Judge gives an order to which the officer in charge of prison or his senior takes exception, the concerned officer may represent the matter through the Head of department to the Government, but he shall forthwith obey any order which is not inconsistent with the Prisons Act of the State, or any rule made there under, and does not involve any immediate risk or danger.
- 36.26. Date of visit to be recorded and copy of remarks to be sent to certain officers.**—(1) Every visitor shall, after he has completed his visit to the prison, record in the visitors' book, the date and hour of his visit, and may enter therein any remarks or suggestions he may wish to make.
- (2) A copy of the remarks made by every Visitor, together with officer in charge of a prison's reply thereto, or the action taken by the officer in charge of a prison thereon, shall be forwarded to the Head of department. In case the remarks relate to the long detention of an under trial prisoner, a copy of such remarks shall also be forwarded to the Sessions Judge.
- 36.27. Disposal of the remarks made by a visitor.**—(1) Any remarks made by a Visitor under the preceding rule shall be limited to a statement and fair criticism of actual facts, which may come to his knowledge, and to such suggestions, as he may desire the officer in charge of a prison or the Head of Department to consider. Criticism shall be confined to such aspects of the ordinary administration and management of the prison which, in the opinion of the visitor, can be improved, and on no account, the visitor shall directly or indirectly reflect, either favourably or adversely, on the character or conduct of any of the prison staff. If the visitor wants to bring to notice, the good or bad work of any prison official, he may do so by addressing a letter to the Head of department.
- (2) The Head of department may pass orders on any remarks made by a visitor, and shall, if any issue of importance requires the orders of the Government, forward such record to the Government.

(3) A copy of any order passed by the Head of department, or by the Government on any record made by a visitor, shall be communicated to the visitor concerned through the officer in charge of a prison.

36.28. Admission of Police Officer and the interrogation of prisoner by them.-

(1) The Superintendent of Police or Deputy Superintendent of Police, may, for the discharge of his duty as such police officer, be permitted to enter the prison only during the working hours, before the prison lockup. Only in very special and emergent condition, the police official will be permitted to enter the prison after the working hours, by the officer in charge of a prison. The visit by any other subordinate police official has to be ratified by District Superintendent of Police.

(2) Police officers shall be permitted to enter the prison for the purpose of recognizing and identification of offenders and other prisoners.

(3) No Police officer shall, at any time, upon any pretext whatsoever, be allowed to enter any female ward or any cell or compartment in which any female is for the time being confined or present, without the permission in writing, of the officer in charge of a prison.

(4) No Police Officer shall be permitted to interrogate any convict, except for the identification of such prisoner, without an order, in writing from the Deputy Inspector General, Prisons and Correctional Services (Circle) and in case of undertrials, the permission shall be taken from the Sessions Court, addressed to the officer in charge of prison.

(5) Any interview, permitted under an order from the Deputy Inspector General of Prisons & Correctional services (Circle) or Sessions Judge, shall take place in the presence of the Deputy Superintendent or other proper officer of the prison, who shall keep at such a distance that he may not hear the conversation that takes place.

36.29. A police officer deputed to interrogate a prisoner, shall ordinarily not be below the rank of an Inspector. No subordinate Police Officer shall be admitted to a prison unless he is in proper uniform.

36.30. Save as herein-before in these Rules provided, no person shall be admitted into any prison, unless he is accompanied by or has obtained the permission, in writing of the officer in charge of prison, concerned Deputy Inspector General of Prisons & Correctional Services (Circle), the District Magistrate, or the Head of Department.

CHAPTER 37**GENERAL SUPERVISION AND INSPECTION OF PRISONS****Director General, Prisons and Correctional Services**

- 37.01. Appointment and Power of the Director General.**-The Director General shall be appointed for the State and shall exercise subject to the order of the Government, the general control and superintendence of all the prisons in the State.
- 37.02. Supply of articles to prisons and Sale of manufactured articles.**-Subject to the general control of the Government and to the provisions of these rules, the Director General, may enter into all such arrangements as necessary for the construction of all works relating to, and the supply of all articles for use in, or in any way relating or incidental to or connected with, prisons and for the sale of all articles manufactured in prisons.
- 37.03. Provision for funds expenditure and accounts.**-(1) Subject to the arrangements for securing the budget provision and the allotment of funds to meet the expenditure of the Prison Department, made under the orders of the Government in this behalf, the entire control over all the expenditure on the maintenance of prisons and on all matters in any way relating or incidental thereto, or connected with the administration of prisons and correctional services shall vest on the Director General.
- (2) The expenditure incurred on-
- (i) Public works;
 - (ii) The supply of stationery and the like; and
 - (iii) The supply of medical stores,
- shall be regulated according to the provisions of Punjab Financial Rules of the department concerned.
- 37.04. Monthly audit of expenditure by Director General.**-Subject to the provisions of the preceding rule, the Director General, shall cause monthly bill of all expenditure of whatever description, on or relating to prisons and correctional services to be sent regularly to him and shall himself audit such bills or cause them to be duly audited under his direction and orders.
- 37.05. Inspection of the prisons by the Director General and appointed officers.**-
- (1) It shall be the duty of the Director General, far as may be, personally to visit and inspect every prison at least once in two year, and to satisfy himself that the provisions of the Prisons Act, 1894 and all rules, regulations, directions and orders made or issued there under, applicable to such prison, are duly obeyed and enforced,

and that the management of each prison is in all respects efficient and satisfactory. A note recording the result of each visit and inspection shall be made in a register (Visitor's Book) to be maintained by the officer in charge of prison for the purpose or otherwise communicated.

(2) The Director General shall appoint officer/officers of the rank of Deputy Inspector General of Prisons and above to inspect prisons in the state every year. This allotment shall be done by the Director General in advance by the day of fifteenth (15th) January every year.

- (i) The inspections of prisons shall be allocated in such a way that Deputy Inspector General of Prisons shall inspect all prisons falling in his circle once every calendar year for a formal inspection.
- (ii) Inspecting officer shall submit the Inspection report to the Director General.
- (iii) The compliance report on the directions issued on the inspection note shall be submitted by the officer in charge of prison concerned within three months of such inspection.

(3) The Director General can also appoint any officer of the rank of officer in charge of a prison or above to carry inspection of any prison in the state. The inspecting officer shall submit such report to the Director General.

(4) Officers of the rank of Deputy Inspector General of Prisons and above can conduct informal inspection of any prison falling under his jurisdiction.

(5) The Director General shall also appoint officers of the rank of Officer in charge of a prison or above to carry inspections of the various offices of District Probation Officer or Probation officer across the state in a periodic manner. The inspecting officer shall submit such report to the Director General.

37.06. Duties of the Director General and appointed officer for inspections.-In accordance with the provisions of the preceding rule, the Director General, or any other officer appointed shall conduct the inspection of each prison, ordinarily undertake such inspection drawing a detailed inspection report covering the following –

- (1) Comments on the compliance of the observations made or directions issued on the previous inspection note.
- (2) Infrastructure:-
 - (i) All prison buildings;
 - (ii) Condition of hygiene and sanitation in barracks, including water and sewerage facilities;

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- (iii) Prisoner kitchen, food quality and canteen facilities;
 - (iv) Stores;
 - (v) Prison farms;
 - (vi) Prison factory/workshop; and
 - (vii) Medical facilities, prison hospital, medical staff etc.
- (3) Prisoner management: -
- (i) Authorized prison population and actual prison population;
 - (ii) Interview facilities for prisoners;
 - (iii) Female prisoners and infants;
 - (iv) Prison record to be maintained for the prison inmates;
 - (v) Record relating to parole, furlough, remission and pre-mature release etc;
 - (vi) Prisoner Management Software or Video Conferencing facility;
 - (vii) Work opportunities in prison;
 - (viii) Remission system; and
 - (ix) Wages to prisoners.
- (4) Prisoner welfare:-
- (i) Canteen Facilities;
 - (ii) Library;
 - (iii) Recreation facilities, sports, religious activities, spiritualactivities; and
 - (iv) Prisoners' panchayat.
- (5) Prison security:-
- (i) Arrangements for guarding both by day and night.
 - (ii) Arms and accoutrements.
 - (iii) Ability of the upper subordinates to drill the guard.
 - (iv) High security ward.
 - (v) High risk prisoners.
 - (vi) Prison alarm system.
 - (vii) Security and lighting arrangements during day time and night orGenerator Sets.
 - (viii) Security equipment (Closed Circuit Television Cameras, Hand Held

Metal Detectors, Door Frame Metal Detectors, X-Ray machines etc.)

(ix) Smooth functioning of the control room.

(6) Staff management:-

(i) Vacancy position of staff.

(ii) Grievances of prison staff or Grievance Redressal Meeting.

(iii) Prison staff colony or Wardens Hostel etc.

(iv) Interviews with prison staff.

(7) Accounts and Records:-

(i) Satisfy himself that economy is practiced in the matter of all purchases.

(ii) Accounts and registers are maintained according to the rules.

(iii) Proper arrangements are made for the safe custody of all records.

(8) Other administrative matters related to prisons, prisoners and staff.

37.07. Direction issued by Director General.-The Director General or any other inspecting officer shall issue directions to the officer in charge of prison concerned for complying with the observations made by him on the inspection report. The compliance report on the directions issued on the inspection note shall be submitted by the officer in charge of prison concerned within three months of such inspection or as directed by the inspecting officer.

37.08. A copy of minute when to be submitted to Government.-A copy of any part of the minute required by the preceding Rule which deals with matters which shall, in the opinion of the Director General, be brought to all notice of Government, shall be forwarded by the Director General, to the Government.

37.09. Annual report and returns.-The Director General shall as soon as possible after the close of each calendar year or not later than the first day of May in each year submit to the Government a report on the administration of prisons together with such statistical and other statements, returns and information, and in such form as required by the Government from time to time, by executive direction's, requirement.

37.10. Channel of communication.-In the absence of any direction to the contrary, the Director General, shall be the channel of communication between the Government and all Officers in charge of prisons and other officers of the prisons department.

37.11. District Magistrate to visit and inspect prisons.-(1) It shall be the duty of the Magistrate of the district to visit and inspect every prison situated within the limits of his district on a quarterly basis and to satisfy himself that the provisions

of the prisons Act and all rules, regulations, directions and orders made or issued there under, applicable to such prison, are duly observed and enforced.

(2) In all matters relating to the discipline maintained in and the management of prisons, the District Magistrate or other Magistrate visiting and inspecting any prison under the provisions of these rules shall discharge his duties subject to the general control of the Director General.

(3) A record of the result of each visit and inspection made shall be entered in a Visitor's book and maintained by the officer in charge of prison for the purpose or otherwise communicated in the form of a note.

- 37.12. When District Magistrate is unable to visit prison.**-In the absence of the District Magistrate from head-quarters, or in the event of that officer being at any time unable from any cause to visit the prison in the manner prescribed in these rules in that behalf, he shall depute a Magistrate subordinate to him who is available for the duty to visit and inspect the prison in his behalf. Any officer so deputed may, subject to the control of the Magistrate of the district, exercise all or any of the powers conferred upon the Magistrate under the Act or these rules.
- 37.13. Powers conferred on the District Magistrate by Prisons Act, 1894.**-Under the provisions of the Prisons Act, 1894, the officer in charge of prison shall obey all orders not inconsistent with the Prisons Act, 1894 or any rule there under which may be given respecting the prison by the District Magistrate, subject to such general or special directions as may be given by the Government.
- 37.14. Exercise by District Magistrate of power under the Prisons Act, 1894.**-
- (1) The orders passed under the Act shall, except in emergent case in which immediate action, in the opinion of such magistrate is necessary, be so expressed that the officer in charge of prison may have time to refer (if he thinks necessary) to the Director General before taking action thereon.
- (2) All orders issued by the District Magistrate shall, if expressed in terms of requiring immediate compliance, be forthwith obeyed and a report made, as prescribed in the said sub-section to the Director General.
- 37.15. District Magistrate to communicate with officer in charge of prison.**-The District Magistrate shall not address any communication or order to any officer of any prison other than the officer in charge of prison. All orders issued by the District Magistrate shall be in writing.
- 37.16. General directions.**-General directions under the Prisons Act, 1894 issued by the Government are:-
- (i) The District Magistrate's order shall ordinarily be issued in the form of an entry in the visitor's book or through an official communication. The District

Magistrate is not required to interfere in matters of detail affecting the management of a prison. He must be aware of the action having a tendency to weaken the authority of the officer in charge of prison over subordinate prison officers and prisoners.

- (ii) In matters of an emergent and important character, affecting the safety of the public, the prison or the prisoners, it is open to the District Magistrate to take all such measures as may be necessary in the special circumstances of the case, and all action taken shall be promptly reported to higher authority.
- (iii) If the District Magistrate gives an order to which the officer in charge of prison takes exception, the latter officer may represent the matter to the Director General, but he shall forthwith obey any order which is not clearly inconsistent with the prisons Act or any rule made there under and does not involve any immediate risk or danger. In the event of his hesitating to obey any order on any of these grounds, he shall, in case of urgency, obtain the Director General's orders by telephone or fax or other authorized mode of communication.
- (iv) In cases which are not urgent, the officer in charge of prison will refer, in the ordinary course to the Director General, and will communicate that officer's reply without delay to the Magistrate.

CHAPTER 38**SAFE CUSTODY OF PRISONERS AND GUARDING OF PRISONERS**

Secure custody of inmates is the primary responsibility of the prison. The overall objective of reform and rehabilitation has to be pursued within the framework of custody. Further, prison custody implies certain restrictions on the basic rights of prisoners as human beings under the process of incarceration that prisoners are required to undergo.

38.01. Security and guarding requirements.-(1) To ensure security and to restrict any throw of any kind of prohibited articles inside the prison a 'Prohibited Area' of appropriate length and size (at least fifty(50) Meters) on the outer side of the perimeter wall around the prison, shall be maintained. No unauthorized person shall be allowed to enter this area. A brick walls of minimum of eight feet height, with barbed wire fencing atop or Eight Feet high barbed wire fencing shall be constructed on the outer boundary of this area and also a system of good lighting inside and around the prison shall be maintained.

(2) All the barracks, wards, blocks and all other buildings where the prisoners are lodged or have daily access shall be built at a safe distance preferably fifty (50) meters away or as far as possible from the main wall.

(3) The Deputy Superintendent (Security) shall regularly check the main wall and all other buildings of the Prison. If any necessary repairs are required, officer in charge of prison shall immediately be informed and the required repairs shall be carried out without delay.

(4) There shall be sufficient number of watch towers on the main wall, roof top of deori, outer gate and near the official residences in each prison where armed sentry shall be posted round the clock to prevent escapes and attacks from outside. The tower sentries shall be provided wireless sets and intercom connectivity interlinked with the Control Room.

(5) There shall be adequate guarding staff in every prison responsible for the guarding of prisoners, gate management, internal and external guarding of the prison, the supervision of the prisoners during labour hours as well as the work of guarding and maintaining security of wards, blocks, workshops, tools and plants and other prison properties, security posts, towers and all other lawful duties. The permanent strength of the guarding staff in each prison shall be determined from time to time by the Government as per the requirements of every prison.

38.02. Setup of control room.-(1)A control room shall be setup in every prison from where all the Closed Circuit Television Cameras, wireless sets and intercom shall be monitored and controlled.

(2) The control room will function under the supervision of Deputy

Superintendent (Security) and where Deputy Superintendent (Security) is not posted, under Deputy Superintendent (Administration). An Assistant Superintendent shall be in charge of Control Room and shall be responsible for its effective functioning.

(3) A prison officer shall always be deployed in the control room who shall be responsible for the care, maintenance and proper functioning of all the equipment installed in the Control Room. If any equipment is found to be in non-working condition, the Assistant Superintendent in charge Control Room and the Deputy Superintendent (Security) shall immediately be informed who shall make all endeavours to rectify the errors as soon as possible.

(4) A landline phone shall be installed in the control room and the officer present on duty shall attend to all incoming calls and shall also be responsible for receiving the messages through E-mail and other electronic methods.

(5) All the officers and other staff present on duty shall inform the Control Room through wireless set, intercom or any other source of communication available, about any significant incident without any delay.

(6) A register in the form of 'Diary of Events' shall be maintained in the Control Room in which the date and time of receiving all significant information/reports shall be entered by the officer on duty designated for this purpose. The officer on duty shall escalate the matter to the concerned Deputy Superintendent and officer in charge of prison per the Standard Operating Procedure issued by the Head of Department from time to time.

(7) A separate duty officer shall be deployed to view the Closed Circuit Television cameras, who shall keep a watch on the movement of prisoners and inform the Deputy Superintendent (Security) and the officer in charge of prison about any suspicious movement or unlawful activity or any other incident and matter of interest noticed by him.

(8) Sufficient number of modern lethal and non-lethal weapons with suitable ammunition, body guard shields, helmets, battens, gas masks, gloves, leg guards, fire extinguishers, pepper spray and other body protective equipment available from time to time, shall be provided in every prisons, so that these can be used in emergency.

(9) Sufficient equipment as mentioned below may be installed in every prison for the safe guard and security of the prison:-

- (i) Closed Circuit Television System and electric wire fencing may be installed on the main wall and all the sensitive places of every Prison;
- (ii) Effective wireless communication system and intercoms for better communication;

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- (iii) High pitch sirens to alert prison staff, public and nearby police stations about any untoward happening shall be installed on the roof top of the Deori of Prison;
 - (iv) X-Ray baggage machines may be installed in the interview area, Prison deori and other sensitive areas. Prisoners mail and clothing shall be thoroughly checked and censored through these machines before delivering them to the prisoners;
 - (v) Door frame metal detectors and body scanners may be installed in the deori of the prisons;
 - (vi) Security equipment like night vision binoculars or goggles, hand held metal detectors and others effective equipment available from time to time with the advancement of technology may be provided in the Prisons where necessary;
 - (vii) Mobile Jammers and other equipment useful in curtailing the use of mobile phones in the Prisons maybe installed where necessary; and
 - (viii) Electronic monitoring equipment such as personal ankle Global Positioning System (GPS) tracker to monitor the movements of the prisoners.

38.03. Construction of inner kotmauka wall.-Inner kotmauka wall shall be built in every prison for making the prison building secure and inaccessible to the general public and also to avoid trespassing and a paved or metalled road inside and outside the main wall shall be built for better patrolling.

38.04. Search of Inmates.-(1) All the inmates entering the Prison and going out of Prison shall be thoroughly frisked by the officers deployed in the deori on frisking duty. All the vehicles entering the Prison for what so ever purpose shall be thoroughly checked manually and also with the help of modern security gadgets.

(2) All the prison staff entering the Prison shall be frisked in the deori before allowing them to go inside the Prison.

(3) A thorough and sudden search of the barracks and the inmates lodged in them shall be conducted under the supervision of Deputy Superintendent (Security) and/or Deputy Superintendent (Administration) on regular intervals to unearth prohibited articles. The officer in charge of prison may request the local Police Authorities for assistance.

(4) All central and district prisons shall have significant number of sniffer dogs for search and frisking operations at different locations in the concerned Prisons.

(5) Intelligence system shall be setup to collect information within the prison.

The officer in charge of prison shall be provided with the cash fund for the purpose of intelligence gathering. The officer in charge of prison shall also take the help of intelligence wings of the Police Department for this purpose.

(6) The prison Administration shall make endeavors to build mutual trust with the inmates so as to maintain constructive relations with prisoners. The prisoners with good conduct shall be involved in such a manner that they develop a feeling of belongingness towards the administration leading to flow of sensitive information beforehand.

38.04. Main principles to be observed in guarding.-Every prisoner in a prison shall at all times both by day and night, be in charge of some officer, in such a manner that responsibility for an escape resulting from negligence is definitely fixed. A record of the names of prisoners made over to each officer during the day shall be kept in a group-book and every subsequent change of a prisoner from one group to another, shall be recorded therein under the authority and signatures of an officer not below the rank of a head warder, who likewise at every change of guard shall be present to witness and verify the number of prisoners made over to the relieving officer.

38.05. Details of the procedure to be observed in guarding.-The following procedure shall be observed in guarding the prison and the prisoners confined therein:

- (i) The warder guard shall, after due allowance has been made for leave, sickness, transfer, etc., be divided into two squads, as equally as possible, which may be called A and B. Squad 'A' will report on duty at 6 A.M. and will be relieved by Squad 'B' at noon. Squad 'B' will be on duty till lockup, and will be relieved by the night guard, which may comprise partly from Squad A and partly from Squad 'B'.
- (ii) All guards posted on sentry duty shall be deputed for three hours at one time.
- (iii) If required, for any reasons, the duties of warder guard described above in rule 38.05 (i) and (ii) may be changed by the Officer in-charge of the prison under intimation to the Deputy Inspector General of Prison (Circle).
- (iv) The warder guard designated for morning duty shall enter the main gate well before 6 A.M. As far as possible, the Deputy Superintendent (Administration) and Assistant Superintendents shall enter the prison together for lock out of the prison.
- (v) It shall be the mandatory duty of the deori in-charge Officer to search or cause to be searched thoroughly, all the warder Guard entering the deori for duty, to rule out any introduction of prohibited articles inside the prison,

further the said officer shall also ensure that the incoming warder guard is properly dressed in the authorised pattern of uniform. He will further ensure that none of the warder is intoxicated in any form.

- (vi) The Deputy Superintendent (Administration) and the Assistant Superintendents together with the warders or head warders who are on duty in the morning shall enter the prison together.
- (vii) The Assistant Superintendent along with the warder Guard before opening the barracks under his charge will inspect the iron bars and walls of the barracks and ensure that there is no breach of any kind during the previous night.
- (viii) Deputy Superintendent (Administration) shall ensure that the lock out of various wards and cells is carried out under the supervision of the in-charge Assistant Superintendent by the Head Warder in-charge of the respective wards/barracks/cells.
- (ix) The wards shall be opened and the prisoners counted out by head warders in pairs in the presence of the relieving warders who are to take charge of the prisoners during the first period of the day duty. The Deputy Superintendent and Assistant Superintendents or head warder shall verify the number counted out of each ward by comparison with the entry in the lockup register and append their signatures on the lock out register of the respective ward or barrack or cell on the spot.
- (x) A head warder in charge main wall patrolling shall take charge during the first turn of duty and post them round the main walls.
- (xi) On the completion of the parades, the prisoners shall be distributed into their respective gangs, and a responsible officer shall be placed in charge of each gang. The responsibility for the charge of a gang shall never be divided between two or more officers. The strength of a gang working outside the prison walls, but within the prison precincts shall not, without the sanction of the Head of Department exceed twelve (12) prisoners. There shall be at least one head warder in charge assisted by another warder for every such gang. In the case of prisoners working inside prison walls, each gang may contain as many as can be conveniently and effectively supervised. Prisoners shall not be employed beyond the prison precincts without the special sanction of the Head of Department in writing.
- (xii) When the head warder or warder is posted to the several gangs in the morning, the names of the prisoners composing each gang shall be called from the gang-book in the presence of the officer about to take charge, who

shall verify the total by counting them. The officer's name shall then be recorded in the gang-book and his receipt taken. Every long termed and dangerous prisoner should be specially pointed out to the warder about to take charge of him, so that a particular watch may be kept on him. At every change of guard, the number of prisoners in each gang shall be counted and in the case of gang outside the prison, the names of the prisoners composing each gang shall be called over. In large prisons, there should be several gang-books, so that the rolls may be called simultaneously to save time.

- (xiii) Every Head Warder or warder in charge of a gang working outside the prison walls shall keep a vigilant eye on the prisoners in his gang and shall not allow them to wander or go out of sight on any pretext or whatever reason. He shall be personally responsible for their safe custody throughout the whole period of his duty. Warders assisting head warder or senior warder in-charge of an outside gang shall similarly be responsible for the safe custody of the gang. But their responsibility shall in no way diminish, or detract from the responsibility of the in-charge head warder or senior warder. The prisoners working all the day at a distance from the prison should be provided with a temporary latrine in close proximity to the work and under the eye of the warder in charge. A warder in charge of a gang inside the prison shall accompany any of the prisoners of his gang, when they go outside the prison leaving the remaining prisoners inside, in the charge of other warder. Only experienced warders should be placed as in-charge of outside the gangs.
- (xiv) The warders coming on duty at the opening of the wards in the morning shall be relieved at noon by the Squad 'B' which shall be brought into the prison by the head warders taking the second turn of day duty. They shall remain in charge until the prisoners are locked up and the night guard posted.
- (xv) All the groups working outside the main wall, shall return to deori, to be further sent to their respective wards for afternoon lock up. The same groups shall again be taken out for work for the rest of the day during afternoon lock out duly handed over to the Officer in-charge of the group. On the cessation of work in the evening, the groups shall be collected and the prisoners in each group counted and verified by the Officer In-charge of the group.
- (xvi) On the cessation of work in the evening the groups shall be collected and the prisoners in each group counted and verified.

38.06. Evening count lock-up and disposal of keys.-(1) After completion of the evening parades, the first section of night guard shall be brought inside the prison

by the patrolling officer, the Deputy Superintendent (Administration), Deputy Superintendent (Security), Assistant Superintendent and head warder shall count the prisoners and send them into their wards or cells or other compartments. When all the prisoners have been locked up, the total number of prisoners shall be verified. If the role found correct, the patrolling officer shall then post the first section of night guard on the main wall on their respective beats and a head warder shall visit to the latrine and ablution platform and thereafter count and lock them up. The number of prisoners locked up in each ward or other building, as well as the total number of prisoners in the prison, shall be shown in the lock-up register to which the Deputy Superintendent (Administration) shall append his signature as token of its correctness.

(2) On the completion of the lock-up the keys of the wards, cells and other compartments where prisoners are confined, shall be collected and counted in the presence of the Deputy Superintendent (Administration) who shall note the number in the lock-up register. He shall then lock the keys into the key box provided for the purpose in the deori and make over the key of such key box to the patrolling officer of the first watch. Each patrolling officer shall in turn make over the key to his successor, and the Officer of the last watch shall deliver it to the Deputy Superintendent on his entering the prison in the morning. The keys of the cook-house and of the wards in which the cooks for night duty are confined shall also be placed in the charge of the patrolling officer.

NOTE: Patrolling officer here means any officer not less than rank of Assistant Superintendent

38.07. Period of night duty.-(1) The last section of the night guard shall not be employed in Squad 'A' on the following day.

(2) No warder or head warder shall be on whole day duty except the gardener and head warder in charge 'chakkar'. All warders other than the gardener and head warder in charge 'chakkar' shall be required to serve on night duty.

38.08. Duties of the night watch.-(1) During night every officer on duty in prison shall carry batons and shall not quit his beat or sit down. The Head warder or Senior warder on patrolling duty shall visit the places within his beat frequently and ensure that all warders on duty are alert. Patrolling officer on main wall shall go around the main wall and ensure that disc circulation is in order and warders on duty are alert.

(2) The barracks shall be visited once in every half an hour throughout the night by a patrolling officer who should examine the locks, gratings and doors, and

satisfy himself that they are secure and that the night watchman on duty inside is alert. He shall frequently challenge him with this object and enquire the number of prisoners and if all are present. To ensure the proper security, an entry should be made by the patrolling officer.

(3) The main wall, watch towers and other important places shall be provided with electric lights, which shall remain lit during the entire night. In addition to this, alternate arrangement such as generator or electronic invertors, lights shall be made available to provide sufficient instant light in case of failure of electricity.

(4) Watch towers should be equipped with search or flood lights. These watch towers shall be manned by trained and experienced warders. They shall be equipped with suitable weapons prescribed by officer in charge of prison in consultation with the Head of Department. The duties of these warders should be frequently changed, they should be told about the place of their duty at the time of reporting for duty.

38.09. Roster of officers by duty beat at night be changed and record to be kept.

-(1) A Duty Roster register shall be maintained in each prison. The Assistant Superintendent holding the charge of 'Line Officer' will be responsible for the proper maintenance of this register. The register shall contain the names of all the officers on duty with their duty hours and their signature for having understood the duty hours. The register will be sent every day to the Deputy Superintendent (Security) for checking and verification and getting his signatures and further to Deputy Superintendent (Administration) for checking, under his signatures. The register will be put up before the officer in charge of prison once in a week.

(2) It shall be the responsibility of the Assistant Superintendent and the Deputy Superintendent (Security) to ensure that the warders stick to their post according to the Duty Roster and any violation in this regard will be immediately brought to the notice of the officer in charge of prison. The officer in charge of prison will also verify this, during his surprise visit in different parts during day and night. Care will be taken that the night duty is allotted in rotation.

(3) No official/officers should be placed on the same beat two nights in succession, nor informed of his beat till he is about to be posted. A record shall be kept, showing the officer put on each beat, during each watch.

38.10. System of watch inside the wards at night.

-Every ward or compartment in which prisoners are confined shall be patrolled inside by convict nigran (supervisor). A roster showing the names of the prisoners deputed in each ward, shall be kept for the patrolling. The patrolling officer during his hours of duty shall satisfy himself that the convict nigran (supervisor) inside the wards is changed at

the time the patrolling officer is relieved. When exceptional precautions are necessary or a ward is of unusual length, two or more nigran (supervisor) may be placed on duty at one time, each being allotted a definite beat. Nigran (supervisor) whilst on duty shall patrol their wards, prevent, as far as lies in their power, the commission of any breach of prison discipline, satisfy themselves by frequent counting that the prisoners are all present and intimate the fact to the outside patrol at least once in every fifteen minutes. At each change of watch, the relieving night watchman shall report to the patrolling officer the number of prisoners present in the ward. In case of any unusual occurrence, he shall give immediate notice to the patrolling officer to take any action that may be necessary.

- 38.11. The lighting of wards at night.**-In case of failure of electric light, the arrangement for an emergency light should be made in every ward and compartment occupied by prisoners throughout the night. The use of naked lights is prohibited. It is the duty of the patrolling officer, head warders and the night watchman to see that the light is kept brightly lit during night inside wards.
- 38.12. Use of night latrines in case of ill prisoners.**-No prisoner shall use the night latrine without obtaining the permission of the nigran (supervisor) on duty. When it appears to the nigran (supervisor) that a prisoner is seriously sick, he shall at once bring the fact to the notice of the head warder on duty. When a latrine is furnished with the means of being locked, it shall be kept locked and the key shall remain in the possession of the nigran (supervisor) on duty within.
- 38.13. Duties of head warder on patrol at night.**-(1)The head warder or senior warder on patrol at night shall keep in the move, visiting the warders and night watchman on duty. He shall, on taking over charge, satisfy himself that the correct number of prisoners is reported to be in custody and that everything is secure. When changing the guard at night, both the relieved and relieving head warder or senior warder shall change the guard in company.
- (2) In cases of serious sickness, the patrolling head warder shall forthwith send notice to the Medical Officer and officer on duty or Deputy Superintendent (Security) who shall, if necessary, take steps for the removal of the sick prisoner to the hospital. If any irregularity on the part of warders or prisoners come to his notice, then, he Shall report the matter to the Deputy Superintendent (Administration) next morning.
- (3) Immediate notice shall be given to the Deputy Superintendent (Security) of any occurrence requiring prompt action such as an escape, attempt to escape, riot, fire or serious sickness by the patrolling head warder. He shall also see that the main-gate sentry is at his post in deori and on the alert. Each patrolling head

warder or senior warder shall carry a watch to record the time at which he visits each part of the prison.

(4) Punctually at the hour for the relief of the guard, the head warder or senior warder who is to take the next watch shall bring in the relieving warders. He shall get them searched by the officers deployed for frisking between the gates in the deori. They shall be searched on both times such as on entering and leaving the prison. This search may be conducted personally at least once a week by all the Deputy Superintendents. The Assistant Superintendent deputed as in-charge night officer, will get the search conducted in his presence daily.

NOTE: A special warder will be deployed for awakening the various night guards for their turns of duty.

38.14. Custody of prisoners.-(1) Every prisoner should be allotted a definite sleeping berth. Any suspicious wandering about the sleeping barrack by any prisoner is to be strictly prohibited and should at once, be reported by the convict nigran to the officer on duty.

(2) The prisoners shall not be allowed to approach the grating unnecessarily, and sleeping on the floor between the sleeping berths in the barracks is to be strictly prohibited.

38.15. Light to be kept on at night.-From sunset to sunrise light shall be kept brightly lit inside the cell or barrack, in front of the grated doors of every cell or barrack in which the prisoners are confined, and to maintain sufficient illumination so that they shall remain under observation at all time.

38.16. Letting out cooks to prepare early morning meal.-When it is necessary to let out cooks before day-break to prepare the early morning meal, the patrolling officer shall at the hour fixed let out the necessary number and put them in charge of a head warder or warder.

38.17. Warders may be posted on the central tower.-In prisons where there is a central tower, three selected warders may be posted therein at night, each to take a watch in turn, to act as a means of communication between the watch and the patrolling officer and to sound the alarm in case of need. They shall be provided with wireless set and if possible with intercom connectivity.

38.18. Visit by officials at night and its report.-Every Deputy Superintendent, and Assistant Superintendent shall, in the case of a central prison ordinarily visit all parts of the prison at night at least once a week and of a district prison, twice a week each on different nights and see that the officer on duty are on the alert and moving on their beats, that the light is kept brightly lit. The time of the visit should not be made known beforehand. The date of the visit, the hour of entering and

leaving the prison and a report of any unusual occurrence that comes under observation, shall be recorded in a book which shall be provided for the purpose at the main gate in the deori. This book shall remain in the custody of the deori sentry during the night. The gate-keeper should produce it before the officer in charge of prison on his arrival at the prison in the morning.

NOTE - In the district prisons, the chakkar head warder, may also be required to visit the prison at night.

- 38.19. Opening wards at night, precaution to be taken.**-To the door-posts of all sleeping wards shall be affixed a chain with a hook at the free end which can be attached at will to the door, so as to admit or allow the exit of one person at a time and no more. In case it is necessary to open a sleeping ward at night for purposes other than the emergency of fire, prior to unlocking the door, the chain may be hooked in. No ward shall be opened at night unless the Deputy Superintendent or Assistant Superintendent and one other officer are present except in the case of fire.
- 38.20. Locks to be out of reach.**-The locks of the doors of all sleeping barracks, wards and cells shall be arranged in such a manner that no prisoner can reach them from inside.
- 38.21. Custody and control of prisoner outside the prison.**-A prisoner, when being taken to or from any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the law-full custody or a prison officer belonging to such prison, shall be deemed to be in prison and shall be subject to conduct all the same incidents as if he were actually in prison.
- 38.22. Police guards to be provided under certain conditions.**-Whenever it is necessary to place prisoners in confinement in any place without the walls of the prison, the officer in charge of prison shall apply to the District Superintendent of Police for such police guard as may in the opinion of the latter officer, be necessary and the Superintendent of Police shall supply such guard accordingly.
- 38.23. Responsibility of police guard while guarding prisoners.**-In every case in which prisoners are guarded by Police under the provisions of the preceding rule, the responsibility for the safe custody of the prisoners shall rest with the police.
- 38.24. Action when any prison becomes temporarily insecure.**-If, from any cause any prison, at any time, becomes temporarily insecure, the officer in charge of prison shall inform the District Superintendent of Police of the fact, and it shall be the duty of that officer to supply such police guard as he may think necessary to provide for the safety of the prisoners, until the prison is made secure.

- 38.25. Quick Reaction Team.**-In all central and district prisons, there shall be a 'Quick Reaction Team' which shall consist of sufficient numbers of warders, who have undergone commando training, with use of modern weapons and unarmed combat. The team will carry wireless sets for connectivity and the required modern lethal and non-lethal weapons that can be used in emergency situation. 'Quick Reaction Team' may also be provided a suitable vehicle for patrolling along the main wall of the prison. The 'Quick Reaction Team' will be under the charge of the Assistant Superintendent and the supervision of Deputy Superintendent (Security) and will always be ready to meet any emergency. The Standard Operating Procedure on the Quick Reaction Team shall be circulated in each prison by the Head of Department. In the case of shortage of Prison Guards, the District Superintendent of Police may be requested by the officer in charge of prison for providing the 'Quick Reaction Team'.
- 38.26. Custody of articles facilitating escape.**-The Deputy Superintendent (Security), Assistant Superintendent and guards will all times be responsible to ensure that no ladders, planks, bamboos and ropes, which are likely to facilitate escape, are left lying about. If such materials are to be taken inside for use, these will be properly escorted and will be sent out of the prison after use. Every warder in charge of a workshop will be responsible to see that all such articles used in the factory are properly secured and put away when work ceased and give a certificate to that effect in the lockup register.
- 38.27. Alarm parade, escapes and outbreaks, preparations and procedure and situations to be handled in emergency.**-(1)The following situations shall be handled as emergencies:-
- (i) Escape from prison;
 - (ii) Outbreak;
 - (iii) Riots;
 - (iv) Strikes;
 - (v) Hunger Strike (individual or mass);
 - (vi) Assault;
 - (vii) Suicide;
 - (viii) Accidents;
 - (ix) Fire;
 - (x) Epidemic;
 - (xi) Food poisoning;
 - (xii) Overcrowding;

- (xiii) Failure of water supply, electric lighting arrangements, and other essential prison services like conservancy and plumbing;
 - (xiv) Non-supply of food or raw materials resulting in the interference of prison routine;
 - (xv) Floods;
 - (xvi) Earthquakes;
 - (xvii) Terrorist Attacks;
 - (xviii) Bomb Explosions;
 - (xix) War or Bombing;
 - (xx) Nuclear, biological and chemical Disasters; and
 - (xxi) Any other man-made or natural disasters.
- (2) The officer in charge of prison shall be responsible to prevent and control emergency situations in conformity with the Disaster Management Act, 2005, and any other Act, which is relevant and all other instructions or orders issued by the competent authority from time to time. He shall take all the measures available and the required force to tackle the situation.
- (3) Each prison shall be properly equipped with the following equipment to meet the various types of emergencies:-
- (i) Firefighting equipment;
 - (ii) Emergency lighting arrangements such as electric torches, inverter back up and diesel generator;
 - (iii) Search lights;
 - (iv) Steel helmets;
 - (v) Canes;
 - (vi) Tear gas equipment;
 - (vii) Water hoses;
 - (viii) Telephones, inter-communication system and wireless sets;
 - (ix) Arms and ammunition;
 - (x) Ladders, axes, knives, ropes, chains, handcuffs, alarms and sirens;
 - (xi) First aid kit;
 - (xii) Video camera or Digital camera or any other electronic equipment for photography or modern equipment suitable to tackle any of the above mentioned emergencies.

(4) The Government may consult State Disaster Response Fund or National Disaster Response Fund or Ministry of Home Affairs for revision of list of equipment from time to time. It shall be the responsibility of the officer in charge of prison to ensure that all these equipments are always kept in good condition for use in emergency.

38.28. Preparations for emergencies.-The Prison guards shall be given special training in handling various emergencies or unforeseen situations. Drills for handling emergencies shall be held at fixed intervals and a report shall be submitted to the Head of Department.

38.29. Escape and Disturbance.-The precautions to be taken and the procedure to be adopted to guard against and deal with cases of escape and disturbance in prisons are as follows: -

- (i) The main gate sentry of every prison shall be provided with a bell gong, drum or electrical or mechanical siren with which to raise the alarm, he shall also be provided with the means for raising an alarm. When prisoners are working in large number either inside or outside the prison, at a point so distant that a warder's whistle sounded at such place cannot be heard by either the main gate sentry or second sentry, a gong or other pre-concerted means of conveying information rapidly of any untoward occurrence, shall be provided. If a prisoner is found to be missing or in the event of any attempt of prison break or on any other disturbance taking place or even appearing imminent, an alarm parade shall be called immediately and the Deputy Superintendent (Administration) shall at once, convey brief information of what has happened to the officer in charge of prison.
- (ii) The officer who first notices the incident, whatever it may be, shall at once inform the prison control room about such information, as is known regarding the character of the occurrence that has or is about to take place, so that the officer in charge of prison, Deputy Superintendents or other officers in charge may be in a position to direct operations accordingly.
- (iii) The officer on duty in control room shall at once, inform the Assistant Superintendent, in-charge Line Officer, Deputy Superintendent (Administration), Deputy Superintendent (Security) and the officer in-charge of prison. The Assistant Superintendent, in charge Line Officer will immediately gather the reserve guards from the Quarter Lines and will rush to the point of incident.
- (iv) The officer who first notices the incident will keep blowing his whistle continuously, and all warders on hearing, it shall repeat the whistle till the

continuous sounding of the alarm gong, bell or siren at the prison gate shows that the information has reached there. A sentry on hearing a whistle, or a bell or gongsounding the alarm in any part of the prison or its neighbourhood, shall repeat the alarm till the whole establishment is thoroughly aroused.

- (v) The whistle or gong used for sounding an alarm should be of a different tone to that used for ordinary parades, if there be a bugler on the establishment, his services may be availed of to sound the alarm on his bugle.
- (vi) The officer present on duty at the point of incident, shall convey as much information as possible to the control room for effective support. For instance, in the case of an escape, the prisoner's name, where he was last seen the direction, he has probably taken and the part of the prison or prison precincts he has disappeared from will all be valuable pieces of information in leading to his recapture. In case of a disturbance, the locality in which it occurred and the approximate number of prisoner engaged in it, will enable the officer in command to dispose of his forces in the most effective manner for its suppression.
- (vii) Promptitude in starting an alarm is a most urgent and important duty, when a prisoner is discovered to be missing or a disturbance has broken out or is on the point of breaking out, no attempt at a search or at suppression, as the case may be, shall be made, till measures are first taken to the alarm; the fact that the missing man was found or the disturbance put down without the necessity of doing so, shall not be accepted as palliating in any way, neglect of this order.
- (viii) On hearing the sound of the alarm, the warders in charge of groups outside the prison shall collect their prisoners and march them to a pre-arranged place where a sufficiency of belchairs shall be disposed during working hours. The prisoners shall sit in single file and the chain having been passed through their ankle rings shall be secured by locking. The lock may remain at all times on one end of the chain, but the key, whether a parade is in progress or not, shall remain with the senior warder in charge of the group.

NOTE: As an alarm parade may be ordered at any time, and it is of importance that the prisoners should not know whether any given parade is merely for practice or not. The same attention to details shall be given on all occasions. In case of an attempt on the part of a body of prisoners to break out of the main gate, it would be unwise to open the gates or wickets for the purpose of returning extramural groups in to the prison until the enclosure in the vicinity

of the inner gate is first cleared of prisoners for this reason gang at work outside shall, on the occurrence of an alarm, be chained up where the work is in progress.

- (ix) At times of alarm, all the prisoners inside the prison shall be locked into the nearest or most convenient ward, workshop or other building and warders on duty will keep a watch on the places of confinement of prisoners.
- (x) On the sound of the alarm prison official (except warders in charge of groups), shall proceed immediately, no matter where or how engaged or whether in proper uniform or not, to the prison armoury and arm himself with lethal and non-lethal weapons with sufficient ammunition. He shall then fall into line and place himself under the orders of the Deputy Superintendent (Administration) or other senior officer present.
- (xi) The procedure to be followed by the officer in charge must necessarily depend on the character of the occurrence with which he has to deal. In all cases, however, a sentry should be posted on the roof of the main gate or other position where he can command a view of the interior of the prison and two small packets, each in charge of a head-warder or senior-warder, shall be dispatched to take up positions near the rear angles of the prison, and instructed to prevent any attempt on the part of prisoners to scale the walls in that direction.
- (xii) A few men may be reserved to render assistance at any point where their services may be specially required and with instructions to proceed to the spot from which the sound of a rifle shot comes; (warders in need of assistance shall fire a shot in the air to intimate the fact).
- (xiii) If it be a case of escape or disturbance outside the prison, it shall be the duty of the officer in charge to dispatch his spare man in search of the missing prisoner or to take measures to quell the disturbance as the case may be using his powers with discretion and effecting his object with as little display of force as is under the circumstances necessary.
- (xiv) In case of riot or disturbance inside the prison, the officer in charge will have to lead his men in to put it down. Before taking such a step, however, he shall first satisfy himself by enquiry from the sentry on the roof of the gateway that, there are no prisoners in the enclosure in the vicinity of the gate. In case there is a gate, it shall not be opened till the crowd is dispersed, and this can be effectually done from the gateway roof. He shall then lead his men in double file or in "threes" between the gates. When the outer gate has been boiled and locked, the inner one may be opened and the men

marched in double time to the scene of the disturbance, to act as the officer in command may dictate.

(xv) Whether an alarm is real or false, all the details from the preliminary whistle of the warder to the conclusion of the search for the missing prisoners or the suppression of the disturbance as the case may be, shall be carried out. To accustom warders to the different circumstances with which they may be called upon to deal and test their preparedness to turn out at short notice, an alarm parade shall be held twice a month at any hour of the day or night without previous warning and started from one of the place where prisoners are usually assembled.

(xvi) In the case of an escape or disturbance at night or after all the groups are inside the prison, the same method of starting an alarm shall be followed, namely the blowing of a whistle and the conveyance of the necessary information to the control room, by the patrolling officer if after lock up or by some junior official, if before that time. A sentry shall be posted over the main gate and the necessary pickets sent to the rear of the prison to frustrate any attempt at an escape as is done in alarm parades by day. If it be reported that a prisoner has escaped and it appears probable that he is still lurking within the prison, warders with lighted torch shall be posted at intervals inside the enclosure walls and the remaining warders divided into two parties each with lighted torches, one to search inside and the other outside the prison.

NOTE: Sufficient number of torches shall be always kept ready for use in a box at the main gate and at the central place of prison (chakkar).

(xvii) It shall be the duty of the gate sentry at times of alarm to defend the gate and to protect any officer of the prison or other person to whom a prisoner may be actually using violence.

(xviii) Absolute silence shall be preserved at alarm parades and all the details carried out in an orderly and systematic manner. The Sub Assistant Superintendent, Assistant Superintendents, Senior Assistant Superintendents, head warders and senior warders who have to take charge of detached parties of men, shall be informed before hand of the duties required of them, so that they may know exactly what to do and where to go when the alarm sounds, without waiting for instructions from the officer in charge.

(xix) In case of a disturbance, the officer in charge shall keep his men together in line and not allow them to approach the body of the prisoners nearer than

thirty yards, from which distance he is in the best position to deal with the rioters. A few warders shall, in all cases be armed with batons and supplied with handcuffs to arrest and secure any ring-leaders or escaping prisoners.

NOTE: Police tear gas squads may be requisitioned in the case of emergency whenever considered necessary.

(xx) The alarm shall be concluded by blowing the retire” on a bugle or sounding the alarm gong as a signal for all officers who took part in the parade to return to the prison gate, fall into line and be dismissed by the Deputy Superintendent (Administration) or Deputy Superintendent (Security).

(xxi) Deputy Superintendent (Administration) and Deputy Superintendent (Security) shall note in their journal the date and hour at which the parade was held, the time taken by the warders to fall in and arm themselves, the names of any subordinates who were late or absent, and any defects that were noticed.

NOTE: A copy of such report shall be submitted to the Head of Department by the officer in charge of prison giving details of the action proposed to be taken against the defaulters, if any, immediately after holding the alarm parade.

38.30. Duty of the Deputy Superintendent.-(1) As soon as a report of an escape is received, the Deputy Superintendent present on duty or another senior officer on duty shall dispatch a party of sufficient strength to search the locality where the escape has occurred; and

(2) Inform the officer in charge of prison of the escape who in turn shall take suitable action for apprehending the escaped prisoner or prisoners.

(3) In the event of a disturbance occurring in the prison which is likely to develop into a serious riot, the officer in charge of prison shall inform the District Magistrate or in his absence, the next Senior Magistrate present at the station, either on telephone or by e-mail or by contacting him personally and request him to take all such measures as may be necessary in the special circumstance of the case, to control the situation.

38.31. Assistance from police.-(1) The officer in-charge of prison shall, in consultation with the District Magistrate and the Superintendent of Police, make such arrangements for a concerted plan of action in the case of an outbreak or escape, as may seem advisable.

(2) The officer in charge of prison or Deputy Superintendent shall, on the occurrence of an escape or outbreak, send information to the officer in-charge to the nearest police station.

- 38.32. Notice of an escape of prisoner sent to certain officer.**-(1)When an escape of a prisoner has taken place and attempts at recapture have been in-effectual, immediate notice shall be sent to the the District Magistrate and Superintendent Police, accompanied in each case by a descriptive roll of the prisoner with all the information available, including his usual place of residence, for the purposes of identifications. If the prisoner belongs to a district other than that in which he was confined, reports and descriptive rolls shall be sent to the concerned District Magistrate and the District Magistrates of all the districts he is likely to traverse on his way to his home. A report and descriptive roll shall also be sent to the Inspector-General of the Railway Police; if the prisoner is likely to avail himself of the railway and if it appears expedient, information shall be sent to the Police of other districts.
- (2) The officer in-charge of prison shall, on the occurrence of an escape or any other serious unusual event, immediately report to the Head of Department under intimation to the Deputy Inspector General (Circle), District and Sessions Judge, District Magistrate in this regard.
- 38.33. Report to the Head of Department of escape and recapture.**-(1)A brief report on every escape that has taken place, shall be submitted to the Head of Department at once, to be followed by a full report detailing the results of the enquiry which the officer in charge of prison shall make as soon after the occurrence as possible. A copy of the judgment in the case of a prisoner tried to escape shall also be submitted to the Head of Department. In case of escapes that have not been due to negligence alone but in part to some defect in the buildings or in the method of guarding, such defect must be clearly pointed out.
- (2) A report of the recapture of a prisoner shall be made to the Head of Department giving particulars of the date and circumstances of recapture and such additional details of the escape as may be elicited from the prisoners.
- NOTE:** The detailed report shall be submitted in duplicate for transmission of one copy to the Government.
- 38.34. Attempt to escape to the reported.**-(1)Every attempt to escape with the particulars in each case, shall be reported to the Head of Department accompanied by a descriptive roll of the prisoner.
- (2) A brief report of every attempt to escape shall also be made to the District Magistrate.
- 38.35. Rewards for recapture.**-(1)The officer in charge of prison may give a reward fixed on a consideration of all the circumstances but in no case exceeding Rs. 5000 (Rupees five thousand only) for the recapture of any escaped prisoner

irrespective of the prisoner's sentence.

(2) When ever peculiar circumstances render it expedient to officer a large reward special application shall be made to the Head of Department. who is empowered to sanction upto Rs. 25,000 (Rupees twenty five thousand only) for the recapture of any prisoner. If the Head of Department considers a higher reward necessary, he shall refer the case for the orders of the Government.

(3) No rewards for the recapture of a prisoner who escape from the custody of the police shall be paid by the prison department.

NOTE 1: Any Government servant may receive without special permission, any reward offered for the arrest of a criminal, etc.

NOTE 2: When two or more persons have been instrumental in the recapture of any prisoner who has escaped from a prison, the reward shall be divided amongst them in such manner as the Head of Department may direct.

38.36. Reward for prisoner preventing an escape.-Every prisoner who assist in any way whatsoever in preventing an escape shall, if he cannot be adequately rewarded by the officer in charge of prison under the remission rules, be brought to the notice of the Head of Department for consideration and giving an adequate award.

38.37. Procedure on recapture of prisoner.-(1) On the recapture of a prisoner, the fact shall be notified to the Head of the Department, District Magistrate, District and Sessions Judge, Deputy Inspector General Prisons (Circle).

(2) A recaptured prisoner may be admitted into and detained in prison in the authority of his original warrant, the time he was at large does not count as sentence served.

(3) Every prisoner who at any time escape or attempts to escape from any custody in which he is lawfully detained after admission to prison, shall if he is of the casual class, forthwith be removed from that class and placed in the habitual class.

38.38. Punishment for facilitating an escape.-Every officer of the prison, because of whose assistance, connivance, or neglect, an escape took place, shall be prosecuted under Sections 222, 223 or 225 A of the Indian Penal Code, 1860 unless very extenuating circumstances are present or the officer in charge of prison considers the evidence insufficient to procure a conviction

38.39. Prisoner not recaptured to be entered in release register.-The name, register number, and date of escape of every prisoner who has escaped and has not been recaptured, shall be entered in a blank page of the release register and copied into

every subsequent register brought into use, for ten years unless he has been recaptured in the meantime, when his name shall be marked off and the date of recapture noted.

38.40. Procedure when sentence in connections with an escape is inadequate.-

If a sentence passed on a prisoner for escaping or attempting to escape or on a prison officer for negligently suffering or conniving in the same, be in the opinion of the officer in charge inadequate, he shall refer the case to the Head of Department who may, if he thinks fit, report the case to the Government with a view to the enhancement of the punishment.

38.41. Construction of outer walls of the prison.-(1)

The outer walls of every prison may be rounded on top and installed with live electrical wire and barbed fencing wire, At every junction of a partition wall with the outer wall and at every angle in the outer wall, a sufficient addition may be made in the height to prevent the possibility of any prisoner scaling the wall at these places.

(2) The officer in charge of prison shall ensure that no device such as branches of trees, logs of timber, articles of furniture under process and any other article which is likely to be used by the prisoner for escape is allowed to remain scattered in any open compound.

(3) The officer in charge of prison shall ensure that there is no structural defect in the enclosure wall granting or in any other part of the building which can be a source of support to any convict, who intends to escape.

38.42. Report of assault or disturbance and Prison locks.-(1)

A full report of every serious assault committed by a prisoner on an officer of the prison and of every serious disturbance of combined outbreak amongst prisoners shall be submitted to the Head of Department.

(2) A committee of Superintendent or officer in charge of prison, Medical Officer and Deputy Superintendent (Administration) shall ascertain the nature and temperament of prisoners who are considered sulky morose or of violent temper.

(3) All locks in use in a prison shall be examined daily and any lock found out of order shall be brought to the Deputy Superintendent (Administration) who shall get it replaced with a serviceable one.

NOTE: Lever locks shall not be lubricated with vegetable oil, as it may cause the levers to stick and renders the lock easy to pick.

(4) Even where there has been a cognizable crime which is to form the subject of police and magisterial enquiry and subsequently ends in a criminal trial, the officer in-charge of prison must at once conduct enquiry and submit the result to

the Head of Department on the aspect of prison discipline and the observance of rules involved in the case, and if he finds that any officials are to blame, he shall state how he proposes to deal with them.

- 38.43. Prisoners may be required to wear handcuffs.**-In any case, if the officer in charge of prison feels that hand-cuffing is absolutely necessary in the case of a prisoner confined in prison or when sent outside, he shall make a case giving full justification to handcuff such prisoner in accordance with the provisions laid out in Rule 17.30, and obtain orders from the court concerned.
- 38.44. Supply of instruments of restraint to be maintained.**-With the exceptions to be noted hereinafter, sufficient number of instruments of restraint like handcuffs, fetters and belchans shall be kept in every prison to meet emergencies.
- 38.45. Imposition of hand-cuffs when permissible.**-The officer in charge of prison is empowered to impose hand-cuffs as a measure of restraint on any prisoner, if such officer in charge of prison is of the opinion that there is immediate and present danger, and that the imposition of hand cuffs is necessary for the protection of the prisoner himself or of any other person under the emergent circumstances. Prior approval of Court concerned shall be necessarily taken in all cases, except when there are sufficient grounds to believe that delay caused in seeking approval of the Court may lead to loss of life or limb. However, approval from the concerned Court may be sought at the earliest possible.
- 38.46. Annual statement of prisoners in fetters.**-An annual statements showing particulars of the cases in which hand-cuffs have been imposed during the year, shall be submitted on or before the twentieth January, of the succeeding year, to the Director General.
- 38.47. Use of lethal force against prisoners.**-Any officer, or member of the guarding staff, of a prison may use bayonet, or any other weapon, against any prisoner when he is found to be:-
- (i) Escaping or attempting to escape, if the officer or member of the guarding staff has reasonable ground to believe that he cannot otherwise prevent the escape.
 - (ii) Engaged in any outbreak or attempt to force or break open the outer gate or enclosure wall of the prison individually or collectively, provided that he may use the weapon, only if, such an outbreak or attempt continues.
 - (iii) Using violence against officers of the prison or other persons, provided that there is reasonable ground to believe that the officer of the prison or any other person is in danger of loss of life or limb or that serious injury is likely to be caused to such officer or person.

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- 38.48. Warning to be given.**-Before using fire-arms against a prisoner under the authority conveyed in Rule 38.47, the officer in-charge of prison shall give a warning to the prisoner that he is about to fire on him.
- 38.49. Orders of superior officers.**-No officer in charge of prison shall in the presence of his superior officer use arms of any sort against a prisoner in the case of an outbreak or attempt to escape except under the orders of such superior officer.
- 38.50. Employment of convicts on dangerous work.**-When prisoners are employed in work of a dangerous character, it shall be the duty of the officer conducting the work to take every reasonable precaution to guard against accidents.
- 38.51. Custody of poisons.**-Poisonous drugs and drugs inducing drowsiness, surgical instruments and other similar things shall not be left within the reach of prisoners. Every receptacle containing any poisonous drug shall be labelled "Poison" in large printed characters. All these shall be kept under lock and key and the keys shall remain with the Pharmacy Officer in charge of the drug store. Under no circumstances such key shall be entrusted to a prisoner.
- 38.52. Prevention of fire.**-(1) Special care shall be taken while using kerosene and gas lights in any office or store room. Even in the maintenance of electric lights, any leakage shall be immediately brought to the notice of the Deputy Superintendent and rectified without delay.
- (2) All staff in charge of offices and stores shall take a round of the offices and store rooms before they are closed for the night and satisfy themselves that everything is safe.
- (3) Fire shall be used in the workshops in properly constructed fireplaces and the senior officer, who locks up the prison, shall satisfy himself before leaving that these fires are properly extinguished. The concerned senior technical staff of the section shall also be responsible in this regard.
- (4) No burning coal, wood or other fuel used in kitchen shall be allowed to be taken out. Those in charge of the kitchen shall be responsible for any violation. If liquefied petroleum gas is used in kitchen, it shall be ensured that gas cylinders are stored in a secured room in accordance with the safety rules for storage of liquid petroleum gas cylinders and that no prisoner has access to such place. If any fire occurs, nobody must be allowed near the gas room until the fire is completely extinguished.
- (5) There shall be fire hydrants and firefighting equipment (sand and water buckets) in all parts of the prison, and especially at all vulnerable points decided in consultation with the District Fire Officer.

- (6) Electric installations in the prison shall be inspected at regular intervals.
- (7) In extramural camps and open prisons, precautions such as provision of a large supply of water and firefighting equipment shall be kept ready at hand.
- (8) Each officer in charge of prison shall draw up instructions on fire safety and the drill to be adopted in his Prison, showing the respective duties of all members of the prison establishment on an alarm of fire being given. He shall make the staff rehearse the fire drill at least once in six months. This would include firefighting safety measure and evacuation techniques.
- (9) In the event of a fire immediate information to fire brigade shall also be sent. Till help from the fire brigade is received, every attempt to quell the fire shall be made. In the event of fire breaking out in the prison by day or night, the alarm shall be sounded.
- (10) The officer in charge of prison shall undertake all necessary measure to ensure that fire does not spread to other parts of the prison and the lives of prisoners and of members of the staff are not endangered.

38.53. In the event of an injury to a prisoner, or a member of the staff on duty, because of fire.-(1) Immediate medical attention to the injured shall be given and,

- (2) An inquiry shall be immediately held and statements of the injured prisoner or member of the staff and other witnesses shall be recorded.

38.54. Epidemics.-(1) Epidemics which are likely to occur in prisons are cholera, enteric fevers, gastro- enteritis, chicken pox, measles, mumps, influenza, cerebrospinal meningitis, pneumonia, plague, beriberi, scurvy, coronavirus, epidemic dropsy, etc.

- (2) When an epidemic is present in the vicinity of a prison, communication between the staff and the infected locality shall be, as far as possible, prevented and special care shall be taken that all arrangements to meet an outbreak are completed.

38.55. Removal to a segregation building.-(1) On the occurrence of a case, or suspected cases of any infectious disease, the officer in-charge of the prison shall contact the Civil Surgeon for making necessary arrangements and the prisoners shall be removed to an infectious disease hospital outside the prison. On the request of the officer in-charge of the prison the District Superintendent of Police shall deploy necessary police guard for the safety and security of the prisoners

- (2) If the suspected cases of infectious disease are expected to be large in number, the officer in-charge of prison shall send a written request to the District Magistrate to identify a separate building for the segregation of prisoners outside the prison walls.

(3) Once the report regarding the identification of the building is received from the District Magistrate, the officer in-charge of the prison shall visit the said identified building and satisfy himself that the building is safe and secure to prevent any escape. The officer in-charge of prison shall send his written request along with his recommendation to the Head of Department for getting the building declared as 'Segregation and Isolation Facility' from the Government.

(5) Once 'Segregation and Isolation Facility' is notified by the Government, the suspected cases of any infectious disease in the prison shall not be taken to hospital but shall be immediately removed to one of these notified 'Segregation and Isolation Facility'. On no pretext shall they be allowed to enter the prison or communicate with other prisoners until all risk of infection is over. On the request of the officer in-charge of the prison, the District Superintendent of Police shall deploy necessary police guard for the safety and security of the prisoners in and around of such 'Segregation and Isolation Facility'.

(6) The Head of Department may notify one or more prisons as 'Segregation and Isolation Facility' to isolate the infected or suspected cases of disease amongst the prisoners. In such a case, the Head of Department may transfer all the prisoners already confined in the notified prison to other prisons and shift the infected cases of disease in such notified prisons.

(7) On the request of the officer in charge of prison, the District Superintendent of Police of the concerned district, from where the infected prisoners are to be shifted, shall provide the necessary vehicles and police guard to transfer the prisoners to the notified 'Segregation and Isolation Facility'.

(8) The Head of Department of Health and Family Welfare, Government of Punjab shall ensure that sufficient number of medical staff, paramedical staff, required equipment, medicines and all other necessary arrangements are timely made available in the notified Segregation and Isolation Prisons and all other notified 'Segregation and Isolation Facility' for prisoners.

38.56. Treatment of prisoners after contact with infection.-All prisoners employed in cleaning a ward in which a case of suspected infectious disease has occurred, or who have been in contact with the patient, shall be detained under medical observation in a separate building to prevent their mingling with other prisoners. Special care shall be taken that they bath and feed separately.

38.57. Prison officers' clothing, if infected.-If there is any reason to think that the clothing of any warder or other prison officer is likely to have been polluted by any cholera discharge, it shall be at once withdrawn from use and disinfected.

38.58. Treatment of the infected barrack.-The barrack in which a case occurs shall

be immediately vacated and the inmates kept together and not allowed to go near other prisoners. The vacated barrack shall be thoroughly disinfected.

- 38.59. Vaccination or inoculation.**-Whenever a case of an epidemic occurs, the Medical Officer shall at once arrange for vaccination or inoculation, as the case may be, for all prisoners, prison personnel and members of their families.
- 38.60. Accommodation of patient.**-Overcrowding must be strictly avoided both in the hospital as well as in every cell and ward. If the epidemic is severe, then it may be desirable to use the entire hospital for treatment of epidemic cases, removing all other cases to a temporary hospital that can be set-up in a ward, barrack or work shed (if no better place is available). Minor cases of colic or ordinary diarrhoea shall also be treated separately and not admitted to the hospital until the characteristic symptoms of cholera and diarrhoea have disappeared.
- 38.61. Sterilization of drinking water.**-On the recommendation of the Medical Officer, drinking water shall be thoroughly boiled. Gas or firewood shall be made available for this purpose to the minimum extent necessary as decided by the Head of Department. Care shall also be taken to ensure that sufficient appliances for boiling of water are also provided. As far as possible, reverse osmosis plants shall be put in place to prevent water borne diseases.
- 38.62. Observation of prisoners.**-The general condition of prisoners shall be carefully watched to detect incipient cases. Any person attacked by premonitory symptoms shall be removed for treatment at once. Convict officers shall be required to report any sign of sickness at once. A prisoner visiting the latrine more often than usual shall be placed under observation.
- 38.63. Treatment of hospital floor.**-The floor of the segregation hospital shall be washed or sprinkled with appropriate disinfectant in consultation with the Medical Officer.
- 38.64. Cleanliness of prisoners.**-Special attention shall be given to the cleanliness of prisoners and their clothing. The water used for washing shall not be allowed to remain within the prison walls.
- 38.65. Treatment of clothing and bedding.**-The clothing and bedding of the inmates of an infected ward shall be either immersed for 30 minutes in boiling water or disinfected with appropriate disinfectant in consultation with the Medical Officer and then aired and returned to them after they have bathed. Hospital clothing and bedding used by infected patients shall be burnt.
- 38.66. Disposal of an infected corpse.**-The body of a person who has died of an infectious disease shall be wrapped completely in a sheet saturated with two percent carbolic or cresol lotion and buried or cremated without the least delay after completing all the legal formalities.

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- 38.67. Report to Head of Department of Prisons and correctional services.**-The first occurrence of a case of cholera or any other infectious disease shall be at once reported to Head of Department stating the circumstances of the case and the measures taken to arrest the progress of the diseases. The next two cases too shall likewise be reported to Head of Department. On the occurrence of the second case, the officer in-charge of prison shall submit a report stating whether he proposes a large scale segregation of prisoners within the prison premises. If he does, then, he shall elaborate the measures he is taking for it. If he does not plan segregation, he shall mention reasons for that as well. If the Head of Department is absent from the Headquarters, the report shall be sent to him through modern means of communication.
- 38.68. When shall a disease be deemed epidemic.**-If three or more cases occur within one week of the occurrence of the first case of any disease mentioned in rule 38.63, it shall be concluded that the disease has assumed an epidemic form.
- 38.69. Daily report during epidemic.**-Whenever an epidemic prevails in a prison, a daily report shall be furnished to the Head of Department. In this report, the Medical Officer shall briefly note the progress of the epidemic, the measures he is taking to arrest it, and any information as he may consider of important. A copy of this report shall also be sent to the Director of Medical Services.
- 38.70. Special epidemiological inquiry.**-The Head of Department, in consultation with the Director of Public Health and Preventive Medicine, may call for an epidemiological inquiry or report from the Chief Medical Officer or Medical Officer whenever he considers it advisable. A copy of such an inquiry report shall be furnished to the Government.
- 38.71. Hunger strikes, procedure and power of officer in-charge.**-(1) The officer in-charge of prison may take all measures or steps including stoppage of privileges, shifting from one barrack to another. All measures shall be taken through all means to ensure that the hunger strike is peacefully culminated.
- (2) The prisoners who go on hunger strike shall be warned that no redress of any alleged grievances shall be allowed as long as the strike continues and that they shall be liable to any prison punishment or to prosecution as per various provisions of law.
- (3) The prisoners who are found to be inciting the other prisoners to be part of hunger strike, shall normally be transferred to high security ward of other prison immediately within the State with the approval of the Head of Department.
- (4) The officer in charge of prison shall keep sufficient number of guard as 'Reserve Guard' to deal with any kind of eventuality.

- 38.72. Forcible feeding of prisoners on hunger strike.**-It shall be the duty of the prison authorities to do what they reasonably can to keep prisoners in their charge in good health and to save them from death. Therefore, if a prisoner is likely to cause his own death by continuously refusing to take food, the Medical Officer may direct that the prisoner be forcibly fed to keep him alive. Forcible feeding shall not be attempted with unnecessary violence. But till such a stage is reached, food approved by the Medical Officer shall be regularly placed beside the prisoner on hunger strike for his consumption.
- 38.73. Daily report to the Head of Department.**-The medical officer shall furnish daily reports to the officer in charge of prison on the health of the prisoner who is on a hunger strike. He in turn shall forward it to Head of Department. The officer in-charge of prison shall also send a report to the District Magistrate.
- 38.74. Overcrowding shall be reported to the Head of Department.**-If a prison becomes overcrowded, the officer in charge of prison shall take suitable action for accommodating all the prisoners properly, duly reporting the circumstances leading to overcrowding to the Head of Department. Any other matter pertaining to overcrowding shall always be referred to the Head of Department for orders.
- 38.75. Measures to relieve overcrowding.**-As soon as prisoners in excess of the available accommodation are received in any prison or hospital, the officer in charge of prison shall submit a report to the Head of Department with a statement of the measures which he proposes to adopt to relieve the overcrowding, and such temporary arrangements, as he thinks best, shall at once be adopted for this purpose.
- 38.76. Keeping prisoners in sheds or tents.**-Prisoners in excess of the accommodation shall not, except as a temporary measure, be placed in work sheds or verandas, but shall be kept in sheds or tents inside the prison. The officer in charge of prison shall always obtain prior sanction, whenever necessary, for incurring expenditure in this regard and shall ensure economy in every aspect. He shall make all the necessary security arrangements against escapes.
- 38.77. In the event of an earthquake, the following action shall be taken.**-(1) The prisoners shall be asked to walk towards an open place, in a calm and composed manner.
- (2) The prisoner shall be asked to take cover (kneel down, and cover head with arms).
- (3) The prisoners shall be asked to remain in the same position for a few minutes, due to after-shocks.
- (4) The prisoners shall be kept at least 14 feet away from windows, mirrors,

chimneys, tall book cases, furniture, old and high buildings, poles, trees and electric wires.

(5) Evacuation and rescue measures shall be undertaken on instructions from an evacuation team and unnecessary crowding of affected area must be avoided.

38.78. Other emergencies.-The officer in-charge of prison shall be required to be vigilant whenever there is law and order problem or political crisis in the city and also to be watchful during extreme climatic conditions, especially for floods during summer and rainy seasons. Suitable action shall be taken according to the requirements in cases of other emergencies as well. The officer in-charge of prison shall keep the Director General and the Deputy Inspector General of Prisons informed of the circumstances. The officer in charge of prison shall approach the District Magistrate or District Superintendent of Police in all special and critical circumstances for remedial action. A Contingency plan be in place at every prison to tackle any emergency situation such as attacks from outside and similar events. Senior officers may review such contingency plans during their visits or inspections.

CHAPTER 39

INSTITUTIONAL FRAMEWORK AND PUBLIC WORKS

39.01. Committee to recommend sites for new prisons.—(1) The Government shall constitute a Committee to recommend sites for new prisons. Such Committee shall be presided over by District Magistrate and shall consist of Executive Engineer (Building), Civil surgeon, Superintendent of Police, Deputy Inspector General, Prisons (Circle) and other members as nominated by the Government. The site recommended by the committee shall be subjected to the approval of the Head of Department. If Head of Department accepts the committee's recommendation, then the matter shall be referred to the Government for its sanction.

(2) While selecting the site for new prisons, factors like transport facilities, water supply, electric lighting, connections with high power electric transmission lines, drainage and sewage, approved means of communication facilities (such as posts, telephones and internet), climatic conditions, facilities for the purchase of institutional supplies, proximity to institutions like courts, civil hospitals, mental health centers, schools for children of prison personnel shall be taken into consideration. Additionally, the site for new prisons shall not be near easily flooded and inundated areas, frontiers and international borders, airports and congested urban localities.

39.02. Prison architecture norms for construction of new prison building.—Construction of all new prison building shall ordinarily be based on the following norms:-

- (i) No building, other than the prison, shall be constructed within fifty meters of the prison wall of a central prison and within thirty meters of the prison wall of a district and sub-divisional prison.
- (ii) The area enclosed within the four walls of a prison shall not be less than eighty-five square meters per head of total capacity. Where land is scarce, like in big cities, the minimum area shall be sixty square meters per prisoner.
- (iii) The Prison shall have a perimeter walls. The height of the perimeter wall shall be twenty-one feet. The height of the wall of the women's section inside the prison shall be eighteen feet. The other internal walls shall be minimum ten feet in height.
- (iv) No building inside a prison shall be nearer than twenty meters to the internal perimeter wall.
- (v) The barracks may have a permanent structure capable of protection of the

personnel in case of any hostile situations. There shall be provisions for necessary lighting and fan arrangements with a power back up from the stand-by generator inside the prison. There shall also be provision for a sanitary type toilet with flushing arrangements and cubicle type bathrooms within the barracks.

- (vi) Energy efficient lighting source shall be used inside the prison building. Renewable energy dependent lighting may be considered for the purpose of street lighting.
- (vii) Right from the designing phase of construction, 'Green Building's concept may be considered to ensure an environmentally responsible and resource efficient prison premises.
- (viii) A stand by generator shall be provided in every prison for emergency lighting in case of power failure.
- (ix) Each central, district and sub-prison will have an enclosure for women-prisoners. The existing enclosures for women in common prisons will be renovated to ensure that female prisoners do not come in view of male prisoners during their passage to and from these enclosures. These enclosures will have a double lock system one lock outside and the other inside, the keys of the latter always remaining with a woman guard inside. As far as possible, the institutions or enclosures for female prisoners will have all the requisite facilities with reference to their special needs such as segregation, protection, pregnancy, child-birth and family care, health care, training and rehabilitation, etc.

NOTE1: Closed Circuit Television Cameras shall also be installed at main gate, workplace, kitchens, hospital, interview rooms, high security enclosures, premises of the barracks and other prominent places for monitoring purposes.

NOTE 2: The perimeter walls shall have 1 meter barbed and live-wires (each 3 rows) over it. The height of the inner perimeter wall of each enclosure shall be between 3 to 4.25 meters, depending upon the security needs.

39.03 Capacity of wards and cells.-(1) The accommodation capacity of wards cells and other compartments intended for occupation by prisoners shall ordinarily be regulated by the scale of superficial and cubical space and lateral ventilation prescribed in respect of each prisoner as shown in the following table; -

SLEEPING BARRACKS			CELLS		HOSPITALS		
Square Meters of ground areas	Cubic Meters of air Space	Square Meters Of lateral ventilation	Square Meters Of ground areas	Cubic Meters of air space	Square Meters of lateral ventilation	Square Meters of ground area	Cubic Meters of air space
3.71	15.83	1.12	8.92	33.98	2.23	5.58	23.75

(2) Shutters for door and windows shall be provided to the barracks, cells and hospitals in prisons to protect the prisoners from rain and cold. The shutters will be fixed outside the iron gratings.

(3) The arrangements for double locks are required on condemned cells, but single lock is required for other cells.

(4) Each prison shall have a proper interview room of suitable size according to the total capacity of the institution and the average number of persons coming every day for interviews with the prisoners. There shall be two separate rooms one for the ordinary prisoners and the other for high risk prisoners. Transparent toughened glass with intercom facility for visitors who have interview with prisoners will be preferred.

(5) Each prison shall have a waiting room, with minimum facilities like toilet, drinking water supply, seating arrangements etc., shall be constructed along with an enquiry office, outside the main gate, but not too close to it, for the convenience of people coming for interviews and other purposes.

(6) A control room under the supervision of officer in-charge of a prison shall be established near the main gate, in each central prison. It shall function as the nerve centre for the entire prison.

(7) Each prison shall have video conferencing rooms with adequate infrastructure and connectivity for trial of inmates.

39.04. Ventilation wards and cells.-Direct deflation of air through every ward, cell and other compartment, respectively, shall ordinarily be secured with large grated openings on both sides and at each end thereof.

39.05. Certificate for fitness for occupation.-No newly constructed ward, cell or other compartment, shall be occupied by any prisoner until the Medical Officer shall have certified that such ward, cell or other compartment is, in all respect, fit to be so occupied.

39.06. Capacity of wards to be inscribed over the door.-Over the door of every ward and other compartment ordinarily used as sleeping accommodation for

prisoner shall be inscribed the following particulars namely:-

- (i) The superficial floor-area stated in square feet;
- (ii) The amount of air-space it contains, stated in cubic feet; and
- (iii) The number of prisoners, calculated on the superficial area or cubic space, whichever is the less, which it is capable of accommodating.

39.07. Sleeping berths in wards.-Every ward or other compartment intended for the accommodation of prisoner by night, shall be provided with masonry sleeping berths, equal in number to the capacity of the ward according to the prescribed scale. Each berth shall be six wands a half foot long, two and a quarter feet broad and eighteen inches high and shall be constructed with a slight slope down from the head. The head of each berth shall be on the opposite side to the heads of the berths (if any) on either side of it. The space between every two berths shall ordinarily not be less than two feet. In case of plinth construction in the barracks is done, space shall be worked out according to the prescribed scale.

39.08. Norms for new construction of main gate and blocks near to the main gate.-New construction of main gate and blocks near to the main gate shall ordinarily be based on the following norms:-

- (i) Dimension of main gate shall be such that a fire tender and a bore well rig shall pass through it. The main gate shall be a double gate arrangement, made up of a strong steel frame having vertical round or square steel bars of twenty-five mm diameter or thickness. Space between two gates shall not be less than sixteen meters in length and five meters in width to facilitate gate operations. Each gate shall have a wicket-gate of at least 0.6 meter in width and 1.5 meters in height. The main gate and the wicket-gates shall have strong locking arrangements from inside. Both gates shall have arrangements for easy opening and closing of shutters. The gates shall be covered with iron sheet from outside up to the height of 2.5 meters. The wicket-gates shall have peepholes covered with lead at eye level.
- (ii) There shall be a properly designed administrative block for each category of prison adjacent to the main gate and shall have office rooms, record rooms, conference hall, common rooms and control rooms for efficient functioning of the administration. Adjacent to the administrative block shall be the interview room and visitor's hall with cloak-room and toilet with a separate entrance to the hall from outside.
- (iii) There shall be a reception ward, near the main gate which shall have necessary facilities for proper implementation of admission-quarantine-orientation-classification programme. Physical facilities shall be set up in accordance

with the average number and type of inmates to be received by the prison. The unit shall have dormitory and single room type accommodations.

- (iv) The main gate may be painted with colours identical to that of the departmental flag prescribed by the Government.
- (v) A court hall may also be set up to dispose off cases of under-trials involved in petty offences.

39.09. Norms for construction of new wards and cells.-For construction of new wards and cells, the following norms shall be followed:

- (i) There shall be two types of living accommodations i.e. wards and cells.
- (ii) The minimum accommodation capacity of wards and cells per prisoner and specifications of wards and cells shall be decided by the Head of Department.
- (iii) The floor of wards and cells shall be made of impermeable material such as cement and concrete.
- (iv) Each cell shall have a yard attached to it, where a prisoner can have the benefits of sufficient air and light.
- (v) The frames of the doors, windows and ventilators shall be iron or steel frames. The iron bars used in doors, windows and ventilators shall be of 25 mm. diameter of square cross section and the clear distance between two bars shall be 7.5 cm.
- (vi) The doors and windows shall have an iron frame made of angle- iron of minimum of 10 mm. thickness.
- (vii) The measurement of each sleeping berth in the ward and cell shall normally be 2 x 0.75 meters with a height of 0.45 meters.
- (viii) Adequate number of lights, fans, and exhaust fans shall be fitted in every ward. Two lighting circuits shall be provided in wards: One for general lighting and the other for dim security light during sleeping hours. For the purpose of admitting sunshine and air, then closure walls of cell yards shall in no case exceed eight feet in height.

39.10. Accommodation of wards to be shown.-The accommodation available in each ward shall be shown in the lock-up register to enable the Medical Officer to see whether any particular ward is overcrowded or not.

39.11. Norms for new construction of toilets and bathing facilities.-Construction of toilets and bathing facilities shall ordinarily be based on the following norms:-

- (i) Both the day and night latrines shall be of the sanitary type with arrangements for flushing.

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- (ii) One-day latrine for every ten prisoners and two night latrines in the sleeping wards shall be constructed.
 - (iii) They shall be placed on an impermeable base which shall be higher than the surrounding ground and shall be so built that the rays of sun can easily enter the latrines and rain is kept out.
 - (iv) Every seat shall be provided with foot rests with an impermeable surface which shall be in the right position and not too far apart.
 - (v) The partitions separating the latrines shall be high enough to provide a reasonable degree of privacy.
 - (vi) Latrines shall be so designed that all excreta and wash materials shall get into the receptacles without fouling the sites.
 - (vii) The inside walls of latrine shall be fitted with glazed ceramic tiles up to the height of two meter from the floor level, as far as possible.

39.12. Norms for new construction of kitchens.-Construction of kitchens shall ordinarily be based on the following norms:-

- (i) The general kitchen shall ordinarily be located at a central place inside the prison, so that the distribution of food among the prisoners may be finished quickly. The kitchen shall not be built close to the wards. There shall be separate kitchen in the female enclosures. It is desirable that no single kitchen caters for more than three hundred prisoners.
- (ii) The minimum space requirement in the kitchen shall be 100 sq. meters per one hundred prisoners, as far as possible. It shall facilitate sufficient space for storage of provision articles, vegetables, dressing and cutting food, containers and cooking utensils etc.
- (iii) The kitchen shall be well ventilated and lighted.
- (iv) The kitchen shall have ovens, which shall be of the type in which the heat does not escape outside and the smoke is let out by a suitable chimney regardless of the type of fuel used.
- (v) The kitchen shall be protected by a fly proof wire mesh all around. Sufficient number of exhaust fans shall be installed and artificial ventilation may be provided if necessary. The kitchen shall be provided with fly-proof automatic closing doors.
- (vi) Each kitchen shall be provided with adequate supply of pure water which shall be used for both cooking and washing. The water shall be collected from taps inside the kitchen.

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- (vii) Cooking and serving utensils shall be made of stainless steel. Prison kitchens shall have Liquid Petroleum Gas (LPG), hot plates, kneading machines, chappati making machines, mixers and grinders.
 - (viii) There shall be a provision for covered dining space in prisons, so that prisoners may take their meals under a roof and on a platform.
 - (ix) The walls of the kitchen shall be provided with tiles up to the height of two meters for easy cleaning. It shall have floors made of an impermeable material.
 - (x) There shall be two shifts of workers in the kitchen. Paid cooks shall be employed wherever needed.
 - (xi) The kitchen-in-charge, warder or head warder shall be responsible for ensuring that all cooking vessels are thoroughly clean. The kitchen shall at all times be kept clean, neat and tidy. The cooking room shall be thoroughly washed twice a day i.e. after lunch and after dinner. The Assistant Superintendent in charge of langar shall ensure this cleaning.
 - (xii) The knives, tools or other articles, which can be used as weapons to cause hurt, or for escape, shall be kept under lock and key. Tools issued for use to prisoner cooks shall be under watch by the Kitchen warder or head warder.
 - (xiii) The sufficient number of exhaust fans will be installed and artificial ventilation may be provided, if necessary.
 - (xiv) There shall be a modular kitchen equipped with a flour kneading machine, vegetable peelers and arrangement of chimneys.
 - (xv) The prisoners working in the kitchen shall be provided with suitable clothing, such as apron, caps, gloves, etc. and also with adequate amount of soap and detergent on a fortnightly basis for cleaning and washing utensils.
 - (xvi) The adequate fire safety systems shall be installed in the kitchen.

39.13. Norms for New Construction of Hospitals.-Construction of hospitals shall ordinarily be based on the following norms:-

- (i) In every prison, a building near the main gate of the prison shall be earmarked as prison hospital with suitable number of rooms for men wards, women wards, isolation room for accommodating patients with infectious and contagious diseases and mentally ill patients, room for minor surgery, pharmacy, laboratory, and storeroom for hospital furniture/equipment and room for medical officers. Where such buildings are not available two or three rooms or wards shall be provided for medical examination and treatment of sick prisoners.

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- (ii) The floors and walls of the hospital shall be made of impermeable material. Latrines and baths at the rate of one for every eight patients shall be provided close to the hospital wards, so that the sick prisoners do not have to walk far to use them. There shall be arrangements for continuous supply of potable water in the hospitals.
 - (iii) Each prison hospital shall be made available to all prison hospitals the following equipment:-
 - (i) Dental clinic with all equipment;
 - (ii) Ophthalmology clinic with all equipment;
 - (iii) Minor operation theatre with all surgical equipment;
 - (iv) Clinical laboratory;
 - (v) X-ray lab with dark room and equipment;
 - (vi) Physiotherapy unit with equipment;
 - (vii) Psychiatric unit with equipment; and
 - (viii) De-Addiction Clinic.
 - (iv) Each prison hospital shall have isolation rooms for accommodating patients with infectious and contagious diseases (such as tuberculosis, leprosy and human immunodeficiency virus/ acquired immunodeficiency syndrome) and also for accommodating mentally ill patients.
- 39.14. Construction of recreational facilities.**-Proper recreational facilities such as grounds for outdoor games, auditorium for cultural activities, libraries, indoor games, yoga parks shall be constructed.
- 39.15. Norms for new construction of Prison factory.**-Each prison shall have a revamped factory. Existing spaces in all manufacturing units shall be renovated with a focus to reduce factory's overall energy requirements. The structure inside factory may be exposed to loads, moisture, chemicals or fire, so adequate precautionary measures shall be taken to guard against such health and safety hazards, including the provision of first aid kits, physical refurbishment of old equipment and adequate fire safety systems.
- 39.16. Norms for new construction of prison library.**-(1) Each prison shall have a library. Books in prison library shall cater to the needs of different educational standards, including intellectual needs. It shall be properly equipped with books, periodicals, magazines and news-papers of different languages. A literate prisoner may assist the librarian, who will be nominated from amongst prisoner teachers for distributing reading materials and to issue and collect library books. He shall

be paid as that of a skilled worker. There must be sufficient reading place in the library and necessary other facilities. Latest publications shall be purchased to prison library every year, on various subjects, to meet the requirements of prisoners. Donation of books by Non-Government Organizations and others shall be encouraged and welcomed.

(2) Officer in-charge of a prison shall refer all books for objectionable contents before those are included in library.

- 39.17. Temporary accommodation for prisoners.**-Whenever it appears to the Head of the Department that the number of prisoner in any prison is greater than can conveniently or safely be kept therein, and it is not be convenient to transfer the excess number to some other prison or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoner, provision shall be made by such officer and in such manner as the Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoner as cannot be conveniently or safely kept in the prison.
- 39.18. Procedure when it is necessary to provide shelter outside a prison.**-Whenever it becomes necessary to provide for the temporary shelter and safe custody of any of the prisoners without the walls of any prison, the officer in charge of a prison shall report the circumstances to the Head of Department, who will if necessary; take the special directions of the Government as to the provision to be made, under the Prisons Act, 1894.
- 39.19. General directions to be followed.**-Subject to any special directions which may be given in any particular case, under the provisions of the preceding rule, the general directions hereinafter following shall be observed whenever it becomes necessary to provide for the temporary shelter and safe custody of any prisoner without the walls of any prison.
- 39.20. Provision of tents to be maintained.**-The Head of Department shall maintain as reserve a small number of tents at every prison for the relief of temporary over-crowding or any other emergency.
- 39.21. Tents to Be Kept Serviceable.**-The tents shall be kept in serviceable condition and used only for prison purposes. They shall be frequently pitched and aired. Every tent shall be marked with the date of manufacturing and the date of receipt by the prison concerned.
- 39.22. Precautions against overcrowding.**-When the population of prison is approaching the maximum number for which there is accommodation the Head of Department and Superintendent of police shall be informed, with a view to

have some of the convicts transferred or arrangements made for their temporary shelter outside, as the case may be.

- 39.23. Public works.**-The Government shall entrust any agency for carrying out the public works including new constructions, repairs and renewal of prisons.
- 39.24. Prison work.**-In the execution of every prison work, convict labour shall be utilized to the fullest extent.
- 39.25. Grants.**-The Government shall release regular grants for annual repairs and maintenance of prisons.

CHAPTER 40

LABOUR AND PRISON INDUSTRIES

- 40.01. Vocational training in employable trades and occupations in prisons.**-In order to promote intellectual development of prisoners so as to impress upon their minds the importance of discipline and to develop better work attitude, the prison administration shall be responsible for providing vocational and on the job training in select trades and occupations in prisons. The selection of trade for vocational training and work programmes in the prison shall be made in accordance with the employability of the trade, marketability and probability of the product, potential of that training to enhance the prisoners' ability to adjust in the society and earn his livelihood after release. In each prison, selected trades utilizing modern power-driven machinery shall be taught. Each trade shall have its production centres also so that prisoners can be given on the job training as well as work experience. The approval of the Head of Department shall be sought to ascertain the trades to be set up.
- 40.02. Prison Work.**-The officer in-charge of prison shall provide work to all prisoners who are convicted and sentenced to rigorous imprisonment, keeping in view the following factors:
- (i) Physical and mental fitness of a convict for a particular work;
 - (ii) The previous experience and training in any industry trade or family profession of the convict;
 - (iii) Convict's aptitude or inclination for a particular work and length of sentence; and
 - (iv) Rehabilitative prospects on his release from prison.
- 40.03. Employment of prisoners.**-(1) Prisoners sentenced to medium and long terms of imprisonment shall be given training in multiple skills so that they are able to compete with the conditions in the labour market outside the prisons.
- (2) Prisoners sentenced to less than one year of imprisonment shall be employed in prison maintenance services, gardening, work centres and paid suitable wages for their work.
- (3) Prisoners sentenced to imprisonment for one year or more shall be employed in production units in closed or open prisons.
- 40.04. Daily work allotted to the prisoner to be monitored.**-Before the prisoners leave their work sheds or places of work on stoppage of work in the afternoon, the Deputy Superintendent (Factory) and Head Warders or task-takers if any, shall measure the work done, at the same time carefully noting it on the task

sheet of prisoners concerned. The task sheet shall also be maintained in a computerized format.

- 40.05. Length of working.**-(1) No prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency, with the sanction in writing of officer in charge of prison, be kept to labour for more than eight hours daily.
- (2) The Medical Officer shall from time to time examine the labouring prisoners.
- (3) When the Medical Officer is of the opinion that the health of any prisoner suffers on account of employment on any kind of labour, such prisoner shall not be employed on that labour, but shall be placed on such other kind of labour as the Medical Officer may consider suitable for him.
- 40.06. Day on which convicts are exempt from labour.**-(1) No prisoner shall be required to perform any labour, other than such as may be necessary for the conduct of the internal management and domestic economy of the prison or to meet any emergency on any of the prison holidays.
- (2) The Head of Department may, by general or special order in that behalf, exempt any prisoner or all prisoners generally from labour on any particular day or days other than those specified in sub-rule 40.06 (1).
- 40.07. Entries with regard to labour in the history-ticket.**-Upon the admission of every convict sentenced to rigorous imprisonment, the Medical Officer shall, at the time of complying with the provisions of the Prisons Act, 1894, by entering the kind of labour for which such convict is fit in the prescribed book, cause a similar entry to be made in the history-ticket of the prisoner.
- 40.08. Hours for commencing and stopping work and one hour daily allowed for mid-day parades.**-Except in the case of prisoners working in the factory, prisoners shall commence work as soon as the morning parades and the distribution into groups are completed that is usually about an hour after the opening of the ward; and in the afternoon work shall be stopped about an hour before sunset according to the season. A period of one hour of rest be allowed daily to all the prisoners throughout the year for mid-day parades and rest.
- 40.09. Prisoners locked up during hours of rest.**-During the hours of rest, the prisoners shall be locked up in their sleeping wards or in their workshops, if the latter are suitable and secure.
- 40.10. Prisoners to be employed in Prison Industries.**-All able-bodied prisoners, who are not otherwise engaged in prison services, shall be allotted work in workshops and training-cum-production centers. Convicts shall be allotted to all workshops, depending on the intake and demand in each workshop. Hours of

work for each group of prisoners shall be prescribed in accordance with the program content of each institution. But total hours of work shall not ordinarily exceed 8 hours a day.

40.11. Committee to classify the prisoners.-(1) Classification of each prisoner eligible for employment on various industries and trades shall be specified by a selection committee for the purpose of payment of incentives. The Selection Committee to classify the prisoners as professionals, skilled, semi-skilled or trainees shall consist of Trade Instructor, Welfare Officer, Medical Officer and Deputy Superintendent (Factory).

(2) For the purpose of payment of incentives, prisoners shall be classified into as:

- (i) **Professionals:** Prisoners who are highly qualified and professionally competent in a particular trade, will be used for guidance, design and product promotion.
- (ii) **Skilled:** Those prisoners engaged on task involving both mental and physical skills in executing the prescribed task perfectly and accomplishing the task in time.
- (iii) **Semi-skilled:** Those engaged on task which cannot be performed by untrained hands, but which can be executed with some training and practice but not requiring any strict standard of precision.
- (iv) **Trainees:** Those are engaged in training for a minimum period of three months, or till they acquire skill. During this period, they will not get incentives.

40.12. Wages.-(1) The wages for professionals, skilled and semi-skilled shall be fixed by Government from time to time. The wages shall be reviewed every three years and revised by the Government, whenever necessary.

(2) Daily task sheet shall be kept for noting the particulars of each prisoner such as the nature of task on which employed, the standard task prescribed, and so on. It shall be maintained daily by the Instructor and duly attested by the Deputy Superintendent (Factory).

(3) If a prisoner performs the task of standard quality in excess of the prescribed task, he shall be entitled for payment of additional incentives in proportion to the additional work turned out by him.

(4) Responsibility of the officer in charge of prison: It shall be the duty of the officer in charge of prison to inspect the quality of finished products before they are sent to the stores.

(5) As decided by the Head of Department, a portion of wages earned by any

prisoner, shall be deposited to his e-purse account and rest of the amount shall be deposited to the bank account of the concerned prisoner.

40.13. Prisoners not eligible for prison work.—The following categories of prisoners shall not be eligible for prison work:

- (i) Prisoners above the age of 70 years, if not found suitable for work by Medical Officer.
- (ii) Found unfit by the Medical Officer or classification Committee due to various reasons.
- (iii) Terrorists, extremists, fundamentalists and fanatics who may have bad influence on other prisoners.
- (iv) Sick and infirm prisoners and that undergoing prison punishments.
- (v) Arrogant, incorrigible elements and others declared unfit for any reason by the officer in charge of prison.

40.14. Prisoners to be trained in Farming and Agriculture.—A sufficient area of land shall be attached with every prison to give training to prisoners on farming and agriculture. In such prisons, where there is adequate land for farming, the officer in charge of prison and Deputy Superintendent (Administration) shall work out a routine for rabbi and kharif cultivation and ensure that agricultural production is at par with that of farmers in the area. Each prison shall have sufficient area in the central courtyard to lay out a horticulture garden.

40.15. Frequent change of work to be avoided.—Frequent change of work, except on medical grounds, shall be avoided.

40.16. Means and appliances for labour to be provided.—In every prison proper means and appliances shall be provided for exacting the required labour from prisoners sentenced to labour or employed on labour on their own desire.

40.17. Hardest suitable form of labour to be exacted.—(1) Every convict sentenced to undergo rigorous imprisonment shall ordinarily be employed on hard labour of a kind that is most suitable for him and for which he or she is, for the time being, fit. No convict shall be put on medium labour so long as he or she is fit to perform hard labour, or on light labour so long as he is fit to perform either hard or medium labour.

(2) No consideration of profit or convenience shall be permitted to influence the form of labour which any convict sentenced to undergo rigorous imprisonment is at any time required to perform. It shall be solely fixed with reference to the health of the convict and the regulations of the prison regarding employment of prisoners.

- 40.18. Convicts not to be employed on certain works.**-No convict shall, unless he is willing to undertake the work, be employed on any form of labour attendant with danger.
- 40.19. Prohibition against employment of small group of prisoners.**-The employment of convicts in small groups or batches, on petty works situate without the prison premises, is prohibited: Provided that this prohibition shall not be deemed to extend to the employment of prisoners on prison works, in the prison garden, or on duties connected with the management of premises occupied by officers of the prison, subject to such directions as the Head of Department may from time to time give in that behalf.
- 40.20. Sanction of officer in charge of prison to extramural employment.**-No convict shall at any time be employed and labour outside the prison walls or be permitted to pass out of the prison for the purpose of being so employed, unless and until the officer in charge of prison shall have:-
- (i) Sanctioned him being so employed; and
 - (ii) Recorded or caused to be recorded the fact on history-ticket of the prisoner that such sanction has been given.
- 40.21. Restriction on employment of prisoners outside prison walls.**-No convicts, shall at any time be employed on any labour without the walls of the prison:-
- (i) Until has undergone not less than one twelfth of the substantive term of imprisonment to which he has been sentenced;
 - (ii) Without the sanction of the Head of Department if the unexpired term of substantive imprisonment together with imprisonment. (if any) in lieu of fine, to which he has been sentenced, exceeds four years;
 - (iii) if any other charge or charges are pending against him;
- NOTE:** Only prisoners who are of good character and who are not residents of foreign territory shall be employed outside the prison. When there are more prisoners eligible than are actually required, those with the shortest unexpired sentences may be chosen.
- 40.22. Sweeper group for official quarters.**-Small detachments of the sweeper groups may be permitted to clean out the quarters occupied by prison officials, twice a day; each house shall be visited in turn and the prisoners shall not be allowed to separate or lag behind.
- 40.23. Employment of prisoners as clerks.**-The employment of prisoners as clerks in prison offices is forbidden. But the officer in charge of prison may, when there is special necessity for it, sanction the employment of an educated prisoner in the

clerical work which have no connection with the prison office.

- 40.24. No prisoner to be allowed to visit the bazaar.**-No prisoner shall at any time, upon any pretext, or for any purpose whatsoever accompanied by warders or not be permitted to proceed to or visit any bazaar or mart.
- 40.25. Charge of material.**-The raw material to be used in the prison factory shall be under the charge of a responsible officer, who shall issue each morning what is required for the day's work and receive into store in the evening the material which has not been used. He shall also as far as possible, satisfy himself that there is no wastage of material, but this shall not relieve the Deputy Superintendent (Factory) or Deputy Superintendent (Administration) as the case may be of the responsibility for the safe custody and proper disposal of the manufactory stores.
- 40.26. Selection and starting of new industries.**-New industry, whenever necessary, shall be started in any prison with the previous sanction of the Head of Department.
- 40.27. Technical advice by officers of State Industries Department.**-(1) Necessary expert advice to run the industries on proper lines shall be provided by the officers of Industries Department who are on deputation to Prison Department. They shall also suggest diversification of industries and help in marketing the prison goods. They shall review the working of industries with the concerned Superintendent periodically and suggest modifications.
- (2) All Government departments, Semi-Government departments, Co-operatives and Public Sector Undertakings may place indents for supply of prison made articles for use in their offices, wherever possible, well in advance. The Prison Department can supply goods on requisition and on payment of cost. As stated vide Punjab Financial Rules, the government departments have been advised that while purchasing manufactured goods for government departments, first preference shall be extended to the products of prisons.
- 40.28. Contracts for disposal of prison produce.**-Contracts may, with the approval of the Head of Department, be made with mercantile firms or individuals for the disposal of articles of prison produce or manufacture.
- 40.29. Punjab Prisons Development Board.**-(1) For strengthening of Prisons and Correctional Administration, and expanding the prison industries, a Punjab Prisons Development Board has been constituted vide Section 3 of the Punjab Prisons Development Board Act, 2020.
- (2) As per Section 9 of the Punjab Prisons Development Board Act, 2020, one of the object and function of the Board will be to undertake programmes and schemes for betterment of prisoners, including but not limited to, education, vocational or skill training, manufacturing activities, agriculture, poultry, dairy or

fish farming, horticulture and such other occupational, commercial, industrial, sports and welfare activities which helps in developing prisons as correctional centres.

(3) As mandated by Punjab Prisons Development Board Rules, 2020, Member-Secretary shall be authorized to incur expenditure from Prisons Development Fund towards modernization of programs for vocational training, industry, manufacturing activities, agriculture, poultry, dairy, horticulture and such other activities carried on in prisons.

- 40.30. Development of prison industries through Public Private Partnership (PPP) Mode.**— With the prior approval of the Punjab Prisons Development Board, officer in charge of prison shall undertake the activities either directly by himself, or by other party on contract/ outsource, or through a partnership agreement with a government/semi government organization, or by incorporating a public private partnership, or through a joint venture with any entity or institution, on the terms and conditions as decided and approved by the Board.
- 40.31. Responsible officer to keep manufactory accounts.**—All accounts relating to prison manufacture shall be kept by a responsible official, under the supervision of the Deputy Superintendent (Factory).
- 40.32. Adjustments of accounts with other departments.**—Payment for all articles received from, or supplied to any public department, irrespective of the account, shall be adjusted by book-transfer.
- 40.33. Money is to be paid in treasury.**—All moneys shall be paid into the treasury under the appropriate head.
- 40.34. Audit of factory accounts.**—The factory accounts of all district and central prisons will be systematically audited by the government auditors for each financial year.

CHAPTER 41**THE PRISON GARDEN**

- 41.01. Prisons Garden.-** The prison garden shall consist of agricultural land within the perimeter security walls of prison as well as prison land outside the security walls, available for utilization.
- 41.02. Cultivation of the garden.-**(1) The Deputy Superintendent (Administration) is responsible that the prison garden contains at all seasons, a sufficient quantity of good wholesome flowers, vegetables, condiments and anti-scorbutic foods (so far as it is possible to raise them, for prison use and that the whole of the prison land outside the prison walls, available for cultivation, is cultivated to the best advantage. A garden of sufficient size to supply all the vegetables and condiments required, shall be laid and be utilized for raising crops suitable for prisoner's food and fodder for prison cattle.
- (2) No warder or other subordinate officer shall be permitted to go into the garden unless he has a duty to perform there.
- (3) There shall be promotion of greenery of prisons and horticultural activities, such as harvesting or maintaining a garden, as job training in addition to the provision of production for the prison, with the ultimate goal of correction/rehabilitation in prison. The opportunities for interaction with nature that green rehabilitation programs offer could improve health and mental wellbeing for inmates by reducing stress.
- 41.03. The planting of the trees and disposal of wood.-**(1) In addition to the lime orchard, other useful trees shall be largely cultivated along the margins of roads, the boundaries of prison land and other available places where it will be least likely to interfere with the crops and security of the prison. Tamarind and bael (wood apple) trees will also be found useful. These trees give agreeable shade if planted within the prison enclosure, but they must not be allowed to grow near the enclosure walls nor planted so that they don't thickly near buildings interfere with free ventilation.
- (2) No tree on prison lands shall be cut down or otherwise removed without the sanction of the Head of Department. The wood obtained shall, if the tree was grown:
- (i) In the prison garden-be utilized for prison purposes or sold and the proceeds shall be credited to the prison, or
 - (ii) In any other part of the prison land, should be sold and the sale-proceeds shall be credited to the Government.
- (3) The state shall invest in drip irrigation, tractors, farm equipment, electric motors and pumps, new crops and seed production, new irrigation methods and

even organic farming such as vermi-compost and biogas plants. A soil analysis shall also be undertaken to enhance production of crops.

(4) The state shall encourage Horticulture and inside the prison. A plan for growing of fruit orchards like mangoes, citrus fruits shall be undertaken. Medicinal plants, neem trees, etc., may also be grown.

(5) Grass shall be grown and trees planted to be kept neatly trimmed.

(6) Flowers produced in prisons' garden shall be used for beautification and adorn the prison.

- 41.04. The prison garden to be kept clean and tidy.**-The prison garden must be kept clean, tidy and free from weeds and undergrowth. There shall be an endeavour to transform the barren land into a green patch. The convict inmates shall plant vegetables of all genres and shall also plant fruit and flower saplings.
- 41.05. Reaping and storage.**-The Deputy Superintendent (Administration) is responsible that crops grown on prison land, are reaped at the proper time so that no unnecessary delay occurs between reaping and storage, that proper precautions are taken against percolation or loss by vermin, that the by-products are properly disposed of for Government purposes only and that all such articles are duly accounted for in the prison accounts. The produce of the prison land must as far as possible, be utilized either as food for prisoners or fodder for the prison cattle. An annual statement showing the value of vegetables and other products of the prison land used to supplement supplies purchased for the maintenance department of the prisons shall be submitted to the Head of Department.
- 41.06. Keeping cattle by Prison officers.**-The Superintendent/Deputy Superintendent shall be allowed to keep two cows/buffaloes with their two calves or a horse in lieu of one of the cows/buffaloes. No other subordinate official shall be permitted to keep private cattle in the prison premises. The food belonging to the prison shall not be allowed for the private cattle.
- 41.07. Percentage of prisoner employed in the garden.**-The number of prisoners employed in the garden for the production of vegetables, flowers, condiments, anti-scorbutic or any other cultivation under taken in the prison garden, shall be in accordance to the needs of the prison garden or as specified by the Head of Department through a Standing Order.
- 41.08. Training to improve the skill of Prisoners.**-Besides supervisors within the prison, help and training shall also be sought from agricultural Universities, nearby institutes and even local farmers to improve the skills of prisoners, in modern methods of agriculture, agro based industries.

CHAPTER 42**PRISON REGISTERS, OFFICE PROCEDURE AND MANAGEMENT****Record to be kept by officer in charge of prison**

42.01 As per the Prisons Act, the officer in charge of prison shall keep, or cause to be kept, the following records:-

- (1) A register of prisoners admitted;
- (2) A book showing when each prisoner is to be released;
- (3) A punishment book for the entry of the punishments inflicted on prisoners for prison offences;
- (4) A visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison;
- (5) A record of the money and other articles taken from the prisoners; and
- (6) All such other records as may be prescribed by rules.

List of registers prescribed to be maintained at each prison

42.02 In addition to any registers, which the Head of Department may, at any time by an executive order, require to be maintained in any prison, the following registers and books (in electronic or digital form or both) shall be maintained in various offices of all prisons i.e. so far as they may be applicable:-

Register Number	Description of register	To be preserved for (years)
Undertrial Prisoners' Office		
1.	Admission register of Undertrial Prisoners	Permanent
2.	Admission register of Undertrial Prisoners (foreign nationals)	Permanent
3.	Register of undertrial prisoners in alphabetical order	Permanent
4.	Court hearing register of undertrial prisoners	05
Convicted Prisoners' Office		
5.	Admission register of Convicted Prisoners	Permanent
6.	Admission register of Civil Prisoners	Permanent
7.	Admission register of Convicted Prisoners (foreign nationals)	Permanent
8.	Register of Internees	Permanent
9.	Register of Release of convicted criminal and civil prisoner (Release Diary)	Permanent
10.	Register of convicted prisoners in alphabetical order	Permanent

11.	Record of custodial death cases	12
12.	National Human Rights Commission/Punjab Human Rights Commission cases register	12
13.	Court hearing register of convicted prisoners	05
Deodi		
14.	Entry/Exit of Persons Register	12
15.	Entry/Exit of Prisoners Register	12
16.	Movement of Articles Register	12
17.	Official Visitors' Remarks Register	Permanent
18.	Visitors' Chronicle	Permanent
19.	Custody of keys of barracks/cells/blocks Register	05
20.	Custody of keys of High Security Zones Register	05
21.	Deodi Report Book	12
22.	Consular Access Record Register (foreign nationals)	12
Office of officer in charge of prison or Additional Superintendent		
23.	Journal of officer in charge of prison	Permanent
24.	Journal of Additional Superintendent or Deputy Superintendent Administration	Permanent
25.	Record of deposit of valuable property by prisoners	12
26.	Prisoners' Grievance Register	05
27.	Register of Punishment inflicted on prisoners for prison offences and termination of prison punishments	12
Lines & Security		
28.	Journal of Deputy Superintendent Security	12
29.	Register of Prison incidents and escapes	Permanent
30.	High Security Zone Report Book	12
31.	Entry/Exit of persons register in High Security Zone	12
32.	Record of outer gate movement register	05
33.	Security Equipment Record Register	05
34.	Tower Security Check Book	02
35.	Beat Security Check Book	02

36.	Identity Card Issue Register	12
37.	Warders' Duty Register	05
38.	Garden Register	12
39.	Register of annual firing and arms training	05
40.	Arms and ammunition register	Permanent
41.	Arms issue register	05
42.	Leave Record Register (Guarding Staff)	02
43.	Attendance Register	02
44.	Government accommodation issue register	05
45.	Official Vehicle Log Book	05
Control Room		
46.	Register of emails received	05
47.	Control Room Daily Diary	05
Chakkar		
48.	Master Lockup Register (of all prisoners)	12
49.	Block/ Barrack Lockup Register	05
50.	General abstract of prisoners in the prison	12
51.	Chakkar Report Book	12
52.	Labour Distribution Register	05
Medical		
53.	Journal of Medical officer	Permanent
54.	Hospital Register	12
55.	Out-patients Register	12
56.	Medicine Stock Register	05
57.	Daily register of prisoners dieted in hospital	05
58.	Daily register of convalescent prisoners dieted in barracks	05
59.	Laboratory Register	12
60.	Register of prisoners on de-addiction treatment	05
61.	Register of prisoners on treatment at OOAT Clinic	05
Factory		
62.	Journal of Deputy Superintendent Factory	Permanent

63.	Labour Distribution Register	05
64.	Manufactory Cash Book	Permanent
65.	Stock register of raw materials	12
66.	Register showing raw material in process of manufacture	05
67.	Stock register of manufactured articles	12
68.	Manufactory Ledger	05
69.	Sales Day Book	12
70.	Manufactory Order Book	05
71.	Manufactory Demand Register	05
72.	Wages Ledger	12
73.	Register of prisoners enrolled for educational programmes	12
Welfare Office and Canteen		
74.	Cash Book	Permanent
75.	Demand Book	05
76.	Bill Register	05
77.	Stock and sales register	05
78.	Record of cash deposits register	05
79.	Wastage Record Register	05
80.	Cheque Issue Record Register	12
81.	Parole and Furlough Register	05
82.	Advance Register	12
Clerical Office		
83.	General Cash Book	Permanent
84.	Cash Ledger	12
85.	Register of charges for services and supplies	12
86.	Gratuity Register	12
87.	Officers' Service Register	Permanent
88.	Warders' Service Register	Permanent
89.	Register of letters received	12
90.	Register of letters dispatched	12
91.	Clothing Register	12

92.	Leave Record Register (Clerical Staff and Asst Supdt& above)	05
93.	Attendance Register	05
94.	Register of destruction of records	Permanent
95.	Demand Book	12
96.	Index register	Permanent
Store		
97.	Procurement Register	12
98.	Daily register of purchases of grains	12
99.	Daily register of godown and mill account	12
100.	Clothing Godown Stock Book	05
101.	Miscellaneous Stores Register	12
102.	Stock register of material for maintenance	12
District Probation Office		
103.	Journal of District Probation Officer	Permanent
104.	Record of Offenders released on probation register (under supervision)	12
105.	Record of Offenders released on probation register (without supervision)	12
Miscellaneous		
106.	Legal Aid Register	05

Forms of registers

42.03 The forms of all registers and the particulars to be recorded in the registers specified in the preceding rule shall, from time to time, be prescribed by the Head of Department. Every register now prescribed and in use, shall continue to be maintained in its present form until the Head of Department supersedes the same by a direction given under this rule.

Instructions for keeping registers

42.04 The following instructions shall be adhered to for keeping the registers:-

- (1) Admission register of Undertrial Prisoners.- This register shall contain complete details of each undertrial prisoner admitted in the prison. All the details available at the time of admission of such prisoner as well as received at a later date shall be entered in this register.
- (2) Admission register of Undertrial Prisoners (foreign nationals).-This register shall contain complete details of each undertrial prisoner (foreign national) admitted in the prison. All the details available at the time of admission of

such prisoner as well as received at a later date shall be entered in this register.

- (3) Register of undertrial prisoners in alphabetical order.- This register shall contain complete details of each undertrial prisoner in alphabetical order.
- (4) Court hearing register of undertrial prisoners.- This register shall contain details of all undertrial prisoners who are produced for court hearings. This register shall also include details of undertrial prisoners who are produced for hearing through Video Conferencing.
- (5) Admission register of Convicted Prisoners.- This register shall contain complete details of each convicted prisoner admitted in the prison. All the details available at the time of admission of such prisoner as well as received at a later date shall be entered in this register.
- (6) Admission register of Civil Prisoners.- This register shall contain complete details of each civil prisoner admitted in the prison. The details available at the time of admission of such prisoner as well as received at a later date shall be entered in this register. The particulars regarding the amount of subsistence allowance received and disbursed should also be entered in the register. Full account of the diet money received and expended should be kept in this register.
- (7) Register of Convicted Prisoners (foreign nationals).-This register shall contain complete details of each convicted prisoner (foreign national) admitted in the prison. Details available at the time of admission of such prisoner as well as received at a later date shall be entered in this register.
- (8) Register of internees.- This register shall contain complete details of each internee in the prison. Details available at the time of admission of such internee as well as received at a later date shall be entered in this register.
- (9) Register of release of convicted criminal and civil prisoner (Release Diary).- This register shall contain complete details of each convicted and civil prisoner released from the prison. A page or more, if necessary, should be set apart for every day. On the conviction of a prisoner, his name shall be entered on the page allotted to the day on which he is to be released, on the supposition that he will have to spend the whole term of imprisonment in prison without remission of any kind. If a prisoner be entitled to be released, before the expiration of his sentence on account of the remission earned or reduction of sentence, a line shall be drawn through his name, where it is entered on the date of the expiration of his sentence and a reference made in the column of remarks to the new date on which he is to be released; on

the latter date, a fresh entry shall be made. If a prisoner be sentenced to imprisonment of which the whole or any portion is in default of payment of fine, and if the fine or a portion of it be not immediately paid, the date of release shall be fixed and entered in the release diaries on the dates which correspond to payment as well as to non-payment of the fine. When any portion of the fine is subsequently paid, the date of release shall be altered accordingly. The names of civil prisoners shall be entered on the date on which they are to be released at the bottom of the page. The names of convicts should not be transferred to a new date till remission has been sanctioned by the Superintendent or other sanctioning authority. When a prisoner is transferred or died before the expiry of the sentence, his name shall be scored out under the date in which it is entered and full particulars shall be furnished regarding him under the date on which he was transferred or died. Cause of discharge such as an appeal, expiry of sentence, transfer, furnishing security, or under remission rules shall be entered in the column of remarks. If the prisoner is released under the remission rules, the amount of remission earned shall also be entered in the appropriate column.

- (10) Register of convicted prisoners in alphabetical order.-This register shall contain complete details of each convicted prisoner in alphabetical order.
- (11) Record of custodial death cases.-This register shall contain complete details of custodial death cases in a prison.
- (12) National Human Rights Commission/Punjab Human Rights Commission cases register.-This register shall contain complete details of cases pertaining to National Human Rights Commission/Punjab Human Rights Commission.
- (13) Court hearing register of convicted prisoners.-This register shall contain details of all convicted prisoners who are produced for court hearings. This register shall also include details of convicted prisoners who are produced for hearing through Video Conferencing.
- (14) Entry or Exit of Persons Register.- This register shall contain complete details of each person entered or exited the prison along with time.
- (15) Entry or Exit of Prisoners Register.-This register shall contain complete details of each prisoner entered or exited the prison along with time. Except release cases, details of officials escorting those prisoners shall also be entered and signatures be obtained.
- (16) Movement of Articles Register.- This register shall contain entries of all the articles brought in and moved out of a prison and shall be divided into equal parts in order to separately record all the entries in respect of different

offices of a prison i.e. store, canteen, or miscellaneous heads. The entries in this register shall be checked periodically by the officer in charge of prison and daily by the Additional Superintendent/ Deputy Superintendent Administration, with the receipts of provisions, raw materials etc. and the sale or removal of manufactured articles etc. to see that they correspond.

- (17) Official Visitors' Remarks Register.-This register shall record the remarks of all official visitors of the prison along with date and time.
- (18) Visitors' Chronicle.-This register shall contain complete details of all visitors of prison along with date and time.
- (19) Custody of keys of barracks, cells and blocks Register.- This register shall contain details related to custody of keys. This register shall have columns clearly depicting the date and time of withdrawal and deposit of keys.
- (20) Custody of keys of High Security Zones Register.-This register shall contain details relating to custody of keys of high security zones. This register shall have columns clearly depicting the date and time of withdrawal and deposit of keys.
- (21) Deodi Report Book.-This book shall contain entries related to all the occurrences in the deodi. Inchargedeodi shall record all occurrences in this register.
- (22) Consular Access Record Register (foreign nationals).- This register shall contain details of all the foreign national prisoners, who have been provided with consular access. The details of official providing the consular access shall also be mentioned in this register.
- (23) Journal of officer in charge of prison.-This journal shall contain details of all the orders passed by the officer incharge of prison to the subordinate officers. The details of any unusual occurrence in the prison shall also be entered in this journal by the officer in-charge of prison.
- (24) Journal of Additional Superintendent or Deputy Superintendent Administration.-This journal shall contain details of all the matters concerning working of Additional Superintendent or Deputy Superintendent Administration. The details of any unusual occurrence in the prison shall also be entered in this journal by the Additional Superintendent or Deputy Superintendent Administration.
- (25) Record of deposit of valuable property by prisoners.-This register shall contain all the details of valuable property deposited by any prisoner at the time of admission. The entries related to handing over of property items

back to the concerned prisoner on release, shall also be recorded in this register.

- (26) Prisoners' Grievance Register.-This register shall contain details of all the grievances registered by the prisoners. The entries relating to redressal of grievances shall also be recorded in this register by the officer in charge of prison.
- (27) Register of Punishment inflicted on prisoners for prison offences and termination of prison punishments.- This register shall contain details related to punishment inflicted on prisoners for prison offences. When an offence is committed, it should be brought on this book promptly. On the day a punishment, which will continue for a specified period, is given effect to, the date of the expiry of such punishment shall be calculated and the particulars shall be entered in this register. This register shall be examined daily by the Additional Superintendent or Deputy Superintendent Administration, who shall be held responsible if any prisoner is punished for a longer time than that ordered.
- (28) Journal of Deputy Superintendent Security.-This journal shall contain details of all matters concerning working of Deputy Superintendent Security. The details of matters concerning security of prison and any unusual occurrence in the prison shall also be entered in this journal by the Deputy Superintendent Security.
- (29) Register of Prison incidents and escapes.-This register shall contain complete details of prison incidents and escapes. The details relating to recapture of any escaped prisoner shall also be recorded in this register.
- (30) High Security Zone Report Book.-This book shall contain entries related to all the occurrences in high security zones. Incharge high security zone shall record all occurrences in this register.
- (31) Entry or Exit of persons register in High Security Zone.-This register shall contain complete details of each official/ prisoner entered or exited the high security zone along with time.
- (32) Record of outer gate movement register.-This register shall contain complete details of each person entered or exited the prison from outer gate along with time. The inward or outward movement of vehicles shall also be recorded in this register.
- (33) Security Equipment Record Register.-This register shall contain complete details of each and every security equipment available at a prison. The entries related to functioning and unserviceability of each equipment, shall

also be recorded in this register.

- (34) Tower Security Check Book.-This book shall contain entries related to checks carried out by visiting officers or officials at towers during security checks or patrolling.
- (35) Beat Security Check Book.-This book shall contain entries related to checks carried out by visiting officers or officials at barracks, blocks or beats during security checks or patrolling.
- (36) Identity Card Issue Register.-This book shall contain complete the details related to issue of identity cards to prison personnel.
- (37) Warders' Duty Register.-This register shall contain complete details related to deployment of guarding staff along with place of duty. Ant alterations made in the duties of guarding staff should be attested by the Deputy Superintendent Security. The guarding staff should affix their signatures against their names just before they go on duty. The names of guarding staff on leave or on sick list should be shown at the bottom.
- (38) Garden Register.-This register shall contain complete details of prison garden. Each plot on the garden should be allotted a distinct number which should be clearly exhibited on the spot by means of a small pillar or post. The area of each plot should be shown in the register in acres. The actual produce from a plot either sent for storage to the godown or issued to prisoners should be shown in this register, such as grain, straw, fruit, vegetables, etc.
- (39) Register of annual firing and arms training.-This register shall contain complete details related to annual firing and arms training. The details of officers/ officials who carried out firing along with type of arms and quantity of ammunition shall be mentioned in this register.
- (40) Arms and ammunition register.- Thisregister shall contain complete details related to arms and ammunition of a prison. The date and source of receipt of all arms and ammunition shall be clearly mentioned in this register.
- (41) Arms issue register.- This register shall contain complete details of arms which have been issued to various officers/ officials of the prison.
- (42) Leave Record Register (Guarding Staff).-This register shall contain complete details related to leave which has been availed by guarding staff of the prison. Any alteration in the leave entry of a staff, shall be attested by the Deputy Superintendent Security.
- (43) Attendance Register.-This register shall contain complete details related to attendance of guarding staff.

- (44) Government accommodation issue register.- This register shall contain complete details related to allotment of government accommodation to an officer/official.
- (45) Official Vehicle Log Book.-This log book shall contain complete details related to usage of an official vehicle. Each trip and milage shall be recorded in this log book.
- (46) Register of emails received.-This register shall contain complete details related to receipt of emails from various sources. Disposal of all such emails, shall also be recorded in this register.
- (47) Control Room Daily Diary.-This register shall contain complete details related to functioning of control room. All unserviceabilities of CCTV infrastructure, monitor, communication device or any other device shall be recorded in this diary. IN addition to this, all the messages received and transmitted from control room shall be recoded in this diary. Also, any unusual activity monitored on CCTVs shall also be recorded in this diary.
- (48) Master Lockup Register (of all prisoners).-This register shall contain complete details related to total population of the prison. The number of prisoners actually confined in a barrack/ward at any lock-up should be given against the date in this register.
- (49) Block/ Barrack Lockup Register.-This register shall contain complete details related to number of prisoners actually confined in a block/barrack/ward at any lock-up against the date.
- (50) General abstract of prisoners in the prison.-This register shall contain the number and class of prisoners in the prison each day.
- (51) Chakkar Report Book.-This book shall contain complete details of unusual or important occurrences in the prison except deodi and high security zones. Inchargechakkar or any officer/ official who notice any such unusual or important occurrence, shall record that occurrence in this register.
- (52) Labour Distribution Register.- This register shall contain complete details related to distribution of labour for various activities/tasks in a prison. Inchargechakkar shall ensure that this register is correctly maintained.
- (53) Journal of Medical officer.-This journal shall contain details of all matters concerning medical administration and prison hospital. All unusual occurrences shall be recorded by the medical officer in this register.
- (54) Hospital Register.- This register shall contain complete details related to functioning of hospital. The various entries should be made as soon as the

information required is available.

- (55) Out-patients Register.-This register shall contain complete details of all the prisoners who availed the services of prison hospital as an out-patient. Complete details of the patient along with prescription shall be recorded in this register.
- (56) Medicine Stock Register.- This register shall contain complete details of medicines available in prison hospital. Entries related to disbursement and expense of medicines shall be properly recorded in this register.
- (57) Daily register of prisoners dieted in hospital.- This register shall contain complete details related to all the prisoners who have been admitted in hospital and have been recommended for special diet by the medical officer.
- (58) Daily register of convalescent prisoners dieted in barracks.- This register shall contain complete details related to all the prisoners who are in barracks and are recommended for special diet by the medical officer.
- (59) Laboratory Register.-This register shall contain complete details related to functioning of prison hospital laboratory. The details of all the prisoners who underwent tests in the laboratory shall be entered in this registers.
- (60) Register of prisoners on de-addiction treatment.-This register shall contain complete details related to prisoners who have been recommended for de-addiction treatment by the medical officer.
- (61) Register of prisoners on treatment at OOAT Clinic.- This register shall contain complete details related to addicted prisoners who have been recommended for treatment at OOAT Clinic by the medical officer.
- (62) Journal of Deputy Superintendent Factory.-This journal shall contain details of all matters concerning working of prison factory and shall be maintained by Deputy Superintendent Factory. All entries related to functioning of factory shall be entered in this journal by the Deputy Superintendent Factory.
- (63) Labour Distribution Register.- This register shall contain complete details related to distribution of labour for various production units and trades in the factory. Entries of prisoners deployed on different trades shall be recorded in this register by Deputy Superintendent Factory.
- (64) Manufactory Cash Book.- All moneys related to manufactory and manufactory establishment, shall be entered in this register on the left if received, and on the right if disbursed.
- (65) Stock register of raw materials.- This register shall contain complete details related to stock of raw material. Each article should be given a folio page.

- (66) Register showing raw material in process of manufacture.-This register shall contain complete details related to issue of raw material, which is process of manufacture. A page or more of the register should be set apart for each article issued from stock for the manufacture of goods. This register should be maintained independently by Deputy Superintendent Factory, and not by the Store Keeper in charge of the godowns of raw materials and manufactured goods.
- (67) Stock register of manufactured articles.-This register shall contain complete details related to stock of manufactured articles. A few pages should be allotted to each article of manufacture according to requirements, all receipts shall be entered on the left hand page and all sales, whether cash or credit, as well as articles supplied to the maintenance or manufactory departments of any prison or consumed in the process of manufacture, on the right hand page.
- (68) Manufactory Ledger.-This register shall contain complete details related to accounts in respect of manufactory.
- (69) Sales Day Book.-The sold ledger will be posted from the sales day ledger.
- (70) Manufactory Order Book.-Orders should be entered in this register at the time of their receipt. Officer in charge of prison should examine it at intervals to satisfy himself that no delay occurs in the execution of orders and that such orders are carried out as far as possible according to priority of receipts. All orders including those which are complied with and settled immediately, must be entered in this register.
- (71) Manufactory Demand Register.- This register shall contain complete details of all the articles required to be purchased for efficient functioning of manufactory. Demand for all the articles required for manufactory shall be entered in this register and after approval of the officer in charge of prison, the articles shall be purchased.
- (72) Wages Ledger.-This register shall contain complete details related to wages earned by all the prisoners in the prison factory. Details of work carried out by each prisoner shall be entered in this register.
- (73) Register of prisoners enrolled for educational programmes.- This register shall contain complete details related to prisoners enrolled for educational programmes. Details related to educational programme and institution where the prisoner is enrolled, shall be entered in this register.
- (74) Cash Book.- This register shall contain complete details related to the receipt and disbursement of all moneys passing through the hands of Welfare Officer.

All moneys, shall be entered in this register on the left if received, and on the right, if disbursed.

- (75) Demand Book.-This register shall contain complete details of all the articles required to be purchased for various welfare activities of prison. Demands of various articles in respect of welfare office shall be entered in this register and after approval of the officer in charge of prison, the articles shall be purchased.
- (76) Bill Register.-This register shall contain complete details of bills of all the articles/ services purchased by welfare office for effective functioning of canteens.
- (77) Stock and sales register.- This register shall contain complete details related to stock of canteen. All the entries related to daily sales effected in the canteens shall be recorded in this register.
- (78) Record of cash deposits register.-In the event of an inadvertent technical fault in executing online money deposit to the account of prisoners, this register shall contain complete details related to all the transactions of cash deposits which have been carried out by relatives/ friends of prisoners.
- (79) Wastage Record Register.-This register shall contain complete details of all the perishable and non-perishable articles which have been wasted in the canteen. All entries related to waste articles in this register, shall be attested by officer in charge of prison.
- (80) Cheque Issue Record Register.- This register shall contain complete details of all the cheques, which have been issued to various firms/parties/ institutions. The entries related to complete details of bills against which the cheques have been issued, shall be recorded in this register.
- (81) Parole and Furlough Register.-This register shall contain complete details of all the prisoners along with dispatch details in respect of whom the parole and furlough applications have been forwarded to various authorities.
- (82) Advance Register.- This register shall contain complete details of all the advances which have been extended to various offices of the prison. Reasons for advance shall also be recorded in this register.
- (83) General Cash Book.-This register shall contain complete details related to the receipt and disbursement of all moneys passing through the hands of Additional Superintendent/ Deputy Superintendent Administration. All moneys, shall be entered in this register on the left if received, and on the right if disbursed.

- (84) Cash Ledger.-Accounts related to maintenance, supplies and services accounts and contract contingencies shall be kept in this register and a portion of the register shall be set apart for each account.
- (85) Register of charges for services and supplies.-This register shall contain complete details related to all articles and material purchased for various services and supplies in a prison. Entries related to details of each bill along with articles purchased shall be recorded in this register.
- (86) Gratuity Register.- This register shall contain complete details related to earning of gratuity by the prisoners. The entries related to details of gratuity earned by all the entitled prisoners employed on any work in the prison, shall be recorded in this register.
- (87) Officers' Service Register.-This register shall contain complete details related to service record of a prison officer. All the entries concerning the career of prison officer shall be recorded in this register and shall be attested by officer in charge of prison.
- (88) Warders' Service Register.-This register shall contain complete details related to service record of a Warder/ Matron and Head Warder/ Head Matron. All the entries concerning career of an individual shall be recorded in this register and shall be attested by officer in charge of prison.
- (89) Register of letters received.-This register shall contain complete details of all the letters which have been received in a prison.
- (90) Register of letters dispatched.- This register shall contain complete details of all the letters which have been dispatched from a prison.
- (91) Clothing Register.- All the entries related to issue of clothing items to officers/ officials shall be recorded in this register. Details of bills submitted by Gazetted Officers in respect of clothing items, shall be recorded in this register. Separate registers shall be maintained for recording the details of clothing items of prison personnel and prisoners.
- (92) Leave Record Register (Clerical Staff and Assistant Superintendent and above).- This register shall contain complete details related to leave record of executive officers and clerical staff.
- (93) Attendance Register.-This register shall contain complete details related to attendance of executive officers and clerical staff.
- (94) Register of destruction of records.-This register shall contain complete details related to destruction of records of a prison. Entries related to date wise destruction of record shall be recorded in this register.

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- (95) Demand Book.-This register shall contain complete details of all the articles required to be purchased for various activities of prison. Demands of various articles shall be entered in this register by the concerned official and after approval of the officer in charge of prison, the articles shall be purchased by the store keeper.
- (96) Index register.-This register shall contain complete details of all the registers which are being maintained in a prison. Date of opening and closing of a register, shall also be recorded in this register
- (97) Procurement Register.-This register shall contain complete details of purchases made in the prison. After obtaining sanction from officer in charge of prison, purchase of an article shall be affected. Each and every detail related to article purchased along with bill details, purchase head and processing of bill at government treasury shall be recorded in this register.
- (98) Daily register of purchases of grains.- This register is intended to show the purchases and expenditure of articles which admit of being stored, and are issued in the dietary.
- (99) Daily register of godown and mill account.-This register is intended to show the grain and other articles handed from day to day in the godown. Each article should have a folio set apart for its monthly, and the entries should correspond with entries of the previous day.
- (100) Clothing Godown Stock Book.-This register is intended to show the balance of clothing in the godown on any particular day. Clothing received from any source such as manufacturing units, released prisoners etc., is to be entered in the proper column under new and old. Similarly, clothing issued to newly admitted prisoners should be shown daily according to the condition, whether new or old. Balance should be struck off at the end of the month which represents the contents of the godown on the last day of the month.
- (101) Miscellaneous Stores Register.-This register shall contain complete details of all the miscellaneous articles which have been procured in the store.
- (102) Stock register of material for maintenance.- All articles and material purchased under contingencies, etc., which admit of being stored and are not accounted for in any other register shall be entered in this register. Full particulars of the purpose for which any material is issued, shall be shown in the appropriate column.
- (103) Journal of District Probation Officer.- This journal shall contain details of all matters concerning working of District Probation Officer.

(104) Record of Offenders released on probation register (under supervision).- This register shall contain complete details of offenders who have been released on probation under supervision.

(105) Record of Offenders released on probation register (without supervision).- This register shall contain complete details of offenders who have been released on probation without supervision.

(106) Legal Aid Register.- This register shall contain the complete details of prisoners who have been provided with free legal aid from DLSA along with name of advocate provided to him/her.

Returns

42.05 The bills, forms, returns, reports etc. to be furnished by the officer in charge of prison, shall, from time to time, be prescribed by the Head of Department.

Computerized account system

42.06 The accounts in each prison shall be maintained in a digital form. The system of maintenance of accounts shall be similar in each prison and it shall be in accordance with the Punjab Financial Rules and orders or notifications issued by Department of Finance and Department of Prisons and Correctional Services, Punjab from time to time.

Disposal of correspondence

42.07 The officer in charge of prison shall exercise discretion as to the classification of letters and correspondence, except such documents of the following subjects, which shall be permanently preserved, viz., standing orders relating to important public works and manufactory division, acquisition and renting of land, pensions and any permanent charges upon government, and escapes when the prisoner is not recaptured.

Arrangement of records

42.08 (1) To manage all records and registers, officer in charge of prison shall depute a record keeper from the clerical branch.

(2) Each record and register shall be so arranged, as to make it easy to select those records, which are to be destroyed on expiry of the period prescribed and, if possible, each class of record shall be kept separate from the other.

(3) The Head of Department is empowered to sanction the destruction of such records as may be considered useless but a list of such records shall be maintained.

Special rules for disposal or destruction

42.09 (1) The records due for destruction under these rules, shall be destroyed at the

end of each year under the supervision of the Office Superintendent, or any officer nominated by the officer in charge of prison for this purpose. The Office Superintendent, or the nominated officer, as the case may be, shall be held responsible for any mistake or delay in the work of destruction.

- (2) Before a record is actually destroyed:-
 - (a) A note indicating its destruction shall be made under the signature of the officer in charge of prison, in the register of destruction of records.
 - (b) The date of destruction shall be entered in the remarks column of the relevant register of records index register and the serial number shall be rounded off in red ink.
 - (c) In case, there are any records, which do not appear in the list of records, such records shall be entered in a separate register and a note indicating their destruction shall be made accordingly.
- (3) If the officer in charge of prison is of the opinion that a record which may be destroyed under these rules, needs to be preserved permanently or for a period longer than that provided for under these rules, he shall act accordingly.
- (4) The records shall be destroyed by tearing up all the papers, provided that stamped papers, used stamps, papers bearing confidential marks shall be burnt in the presence of the Additional Superintendent or Deputy Superintendent Administration or any other officer nominated by officer in charge of prison for this purpose.
- (5) The torn or damaged records shall be disposed of in accordance with the standing orders of Government of Punjab or the Head of Department issued from time to time in this regard.

CHAPTER 43**PRISON COMPUTERISATION**

- 43.01** The entire prison administration shall be computerized so that databases related to different functions being performed in prisons on daily basis can be accessed easily and managed more efficiently. The following objectives shall be achieved through computerization of prisons:
- (i) The Prison Management System: This shall include Database Management tool like e-Prisons or any other interface as authorized, to capture different kinds of prisoner-specific activities performed on daily basis in a sequential manner. The purpose is not only to make available the real-time reports such as Probable Date of Release (PDR), prison occupancy, prisoner availing Parole or Furlough, bail, escape, fine payment, incident punishment, prisoner lodging, court appeals, court production, remission, remand, wages, work allocation, release and transfer etc but also to reflect process automation of frequently required processes such as generation of correct eCustody certificates required by courts, duty allotment and monitoring, police escort demand etc. This eGovernance tool should also have the provision to alert different supervisory levels about the important tasks at hand in the form of dashboards and prompt messages. The conceptualized Enterprise Resource Management(ERP) tool shall also include the following modules:-
 - (i) Prisoner Information Management System;
 - (ii) Visitor Management System;
 - (iii) Hospital Management System;
 - (iv) Legal Aid Management System;
 - (v) Court Monitoring System;
 - (vi) Canteen Management System;
 - (vii) Inventory Management System;
 - (viii) Duty Roaster;
 - (ix) Deori Management;
 - (x) Kitchen Management; and
 - (xi) Any other modules may be included, as per needs of the system.
 - (ii) Platforms like e-office, e-procurement, iHRMSetc. shall be utilized to carry out day-to-day routine prison activities. Various components of a prison i.e. factory, chakkar, canteens, deori, welfare, warrant office, ministerial staff, etc. shall be inter-connected for regular updation of data through suitable interface. Process

automation solutions shall be used for frequently required processes.

- (iii) There shall be seamless interlinking of prisons, courts and police stations as a triad, through the Integrated Criminal Justice System (ICJS). This shall enable integrated data sharing with the police and the courts, enabling efficient and comprehensive tracking of criminals and faster law enforcement responses. There are several stakeholders involved in processes of prisons, including police, courts and external agencies like hospitals, medical authorities, National Crime Records Bureau, etc. Suitable interfaces may be developed that can help in seamless sharing of information amongst different agencies.
- (iv) The Prison security shall be made more robust by using Internet of Things (IOTs) i.e. interconnected security and surveillance gadgets (Artificial Intelligence based Closed Circuit Televisions, X-Ray Scanners, activity trackers, motion sensors, alarms, microphones, Body Worn Cameras, barrack locks etc.). Suitable biometric based module shall be used for staff duty allotment and monitoring system.
- (v) A control room shall be set up in each prison for ensuring optimum use and management of security equipment and network architecture as well as monitoring the activities inside the prison. Adequate and suitably qualified staff shall be deployed for conducting such operations under an In-charge or System Administrator/Manager.
- (vi) A suitable interface shall be developed to manage various aspects of personnel management such as staff attendance, force deployment, staff grievances, etc. to maximize staff performance.
- (vii) The interface should also cater to the requirements of Prison Statistics of India reports for the State of Punjab which are compiled each year to save time and efforts.

43.02 Activities to perform by prison's administration.-The following features are imperative to perform mandated activities effectively and efficiently by the prisons' administration:-

- (i) Availability of real time information at central level;
- (ii) Centralized information repository of prisoners;
- (iii) Proper tracking of prisoner activities;
- (iv) Adequate interaction with various stakeholder agencies;
- (v) Proper data analysis;
- (vi) Single integrated IT system available at all prisons;

- (vii) Adequate tracking of prisoner out on parole/furlough;
- (viii) Efficient alarm system in case of under-trials detention under 436 and 436A of Criminal Procedure Code, 1973; and
- (ix) Adequate information pertaining to release of prisoner once completion of sentence.

43.03 Unified data sharing platform.— (1) Computerisation shall enable prisons to have following core facilities and have a unified data sharing platform:-

- (i) A comprehensive prison software with inter-linkages with courts and police stations;
 - (ii) Integrated data sharing with courts and police as per Inter-Operable Criminal Justice System matrix;
 - (iii) Comprehensive video conference facilities;
 - (iv) Biometric access for in and out movement of inmates;
 - (v) State level training labs for induction and refresher training courses;
 - (vi) Touch screen kiosks at prisons for inmates to access their case details;
 - (vii) Digital locking system; and
 - (viii) Tool for Canteen Management System and phone calling facility.
- (2) The following shall be the outcomes after successful implementation of prison computerization:
- (i) Seamless and integrated flow of information across all the prisons and police department as well as Ministry of Home Affairs (MHA) thereby enabling real time availability of information that is easy to search and quickly retrieve prisoner information from a centralized database of prisoners.
 - (ii) Availability of Dashboards/Statistical reports/ Management Information System (MIS) reports for senior level officers with information such as Probable Date of Release (PDR), prison occupancy, prisoner availing Parole/Furlough, etc. This shall also include reports in various formats such as case wise population, age wise population, etc. as required by National Crime Records Bureau.
 - (iii) Complete record of prisoners such as bail, escape, fine payment, incident punishment, prisoner income, court appeals, court production, remission, remand, wages, work allocation, release and transfer etc.
 - (iv) Workflow based solution for approval processes like Parole/Furlough, Pre-mature release cases etc. and real time reflection of the same in the system.

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- (v) Automatic Probable Date of Release (PDR) calculation thus ensuring no delays in release of prisoners without the need for manual validation.
 - (vi) Better visitor management procedure which shall help officials in managing visitors, keeping a track of the number of visitors for a particular prisoner, frequency of visits etc.
 - (vii) Creation of a Centralized Prisoner Registry that can be accessed by Police and other key law enforcement agencies for verification and validation purposes of individuals through Data Digitization of records.
 - (viii) Upgradation of prison security and surveillance system.
 - (ix) Regulation of various aspects of Prison Personnel management as well as all routine activities of various components of the prison such as ministerial work, factory, chakkar, deori, canteens, welfare, Warrant office etc.
 - (x) Generation of correct custody certificates and their submission in concerned Courts in a seamless manner through computerization.
 - (xi) Provision of complete incarceration sheet or chart of every prisoner showing all the positive or negative milestones achieved during his stay in prison in the form of colour coded flow chart or smart art etc.
 - (xii) Streamlining of all the process involved right from the admission of a prisoner in a prison till his release through computerization, wherever possible.
 - (xiii) Any other application that may be required in future.
- (3) Integration of Prison Enterprise Resource Planning Solution with other components of Inter-Operable Criminal Justice System shall be a key component that has to be achieved. It comprises the following aspects:-
- (i) Roll out of prison's software in the State;
 - (ii) Assessment based provisioning of hardware and network for prisons, Punjab Jail Training School, Patiala and Prison Headquarters; and
 - (iii) Integration with Crime and Criminal Tracking Network System.
- (4) Adequate hardware and adequate network connectivity at each prison, Prison training institute and prisons headquarters shall be provided for successful implementation of centralized Prisons Management System. The roll out of software application and its sustainability is dependent on the availability of requisite office hardware and network connectivity at state prisons.

CHAPTER 44**UNIFORM, ACCOUTREMENTS, ORDNANCE SUPPLIES,
TRAINING AND DEVELOPMENT****UNIFORM AND ACCOUTREMENTS**

44.01. Rank structure of uniformed prison officers.-The following rank structure in ascending order of the prison service, shall be deemed to be established under the Act and the Rules:-

- | | |
|--|---|
| (i) Deputy Superintendent Gr-II
and above | } To be referred to as
Gazetted Officers |
| (ii) Senior Assistant Superintendent | |
| (i) Assistant Superintendent | To be referred to as |
| (ii) Sub Assistant Superintendent | Non-Gazetted Officers |
| (iii) Head Warder/ Head Matron | To be referred to as |
| (iv) Warder/ Matron | Other Ranks |

44.02. Gazetted Officers.-The Gazetted Officers of the Punjab Prisons Service on first appointment or first promotion to that service shall be provided with uniform free of charge at the following scale and each article of the uniform shall be replaced on the expiry of the period as indicated below:-

Serial No.	Articles to be supplied	Pattern or Colour	Number of items	Life
Winter				
1.	Tunic-Woollen gabardine	Police pattern or Khaki	01	03 years
2.	Trousers-Woollengabardine, to match tunic without turn-ups, with buttons-silver metal with letter "P.P.S." embossed on them	Police pattern / Khaki	01	03 years
3.	Shirt- cotton terrene turn-town collars and two breast pockets with khaki bottoms	Police pattern / Khaki	02	One every year
4.	Tie	Dark Blue	01	03 year
5.	Belt-Sambrown belt with silver mountings	Brown	01	03 year
6.	Socks - Nylon	Khaki	02 pair	01 year 06 months

7.	Shoes - Plain leather Derby shoes.	Brown	01 pair	01 year
8.	Whistle- To be worn attached to a dark blue round plaited lanyard and carried in the left breast pocket.	Police Pattern	01	When unserviceable
9.	Jacket	Police pattern / Khaki	01	05 years
10.	Peak cap-Punjab Prisons Service (P.P.S) badges of silver metal to be worn in the centre of the band in front.	Police pattern / Khaki	01	05 years
11.	Turban- muslin,8 meters in length, and fifteen of Blue salu cloth 1.37 meters (for Sikhs)	Police pattern / Khaki	02	One every year
12.	Officers of the rank of Superintendent Central Prison and above will wear dark blue band with the badges appropriate to their rank.	---	01	-do-
13.	Member of the Punjab Prisons Service shall wear a silver departmental badge 'P.P.S' in ¼ block letter at base of the shoulder strap.	---	01	When unserviceable
14.	Beret Cap	Police pattern / Blue	01	03 years
15.	Baton	Police Pattern	01	When unserviceable

Summer

Serial No.	Articles to be supplied	Pattern or Colour	Number of items	Life
1.	Bush-Shirt/Shirt	Police pattern / Khaki	02	One every year
2.	Trousers- without turn-ups (Terrycot)	Police pattern / Khaki	01	03 years
3.	Socks- Nylon	Khaki	02	-do-

- 44.03. Post and badges of Gazetted Officers-**Badges of post, shall be of silver metal of police pattern. Officers shall wear the badges of their post on the shoulder strap as under:

Post	Rank of the officer posted	Badges and accoutrements
1. Superintendent Sub-Jail	(i) Deputy Superintendent (Grade II) (ii) Assistant Superintendent (OPS)	3 Stars
2. Superintendent District Jail	(i) Deputy Superintendent (Grade I) (i) Deputy Superintendent (Grade II)	State Emblem
3. Deputy Superintendent (Administration) District Jail	(i) Deputy Superintendent (Grade II) (ii) Assistant Superintendent (OPS)	3 Stars
	(i) Superintendent Central Jail	State Emblem, 2 Stars and gorget patch with a double silver stripe
4. Superintendent Central Jail/AIG (Headquarters)	(ii) Deputy Superintendent (Grade I) (OPS) (iii) Deputy Superintendent (Grade II) (OPS)	State Emblem and 1 Star
5. Additional Superintendent (Central Jail)	(i) Deputy Superintendent (Grade I) (ii) Deputy Superintendent (Grade II) (OPS)	State Emblem
6. Deputy Superintendent (Factory)	(i) Deputy Superintendent (Grade II) (ii) Assistant Superintendent (OPS)	3 Stars
7. Deputy Superintendent (Security)	(i) Deputy Superintendent (Grade II) (ii) Assistant Superintendent (OPS)	3 Stars
8. District Probation Officer	(i) Deputy Superintendent (Grade II) (ii) Assistant Superintendent (OPS)	3 Stars

NOTE: In case of officers from other departments or deputation with Punjab Prisons Department, including from Punjab Police, Central police Organisations/Central Armed Police Forces etc., the badges to be worn by such officers shall be notified by the Head of Department taking into consideration the post being held by such officer(s) and the pay scale/grade pay being drawn by such officers.

- 44.04. Non-Gazetted Officers.-**All the time of appointment of Senior Assistant

Superintendent/ Assistant Superintendent/ Sub Assistant Superintendent, the official shall be provided with uniform free of charge at the following scale and each article of the uniform shall be replaced with a new one on the expiry of the period as indicated below:-

Serial No.	Articles to be supplied	Pattern or Colour	Number of items	Life
Winter				
1.	Peak cap (for non-sikhs)	Police pattern / Khaki	1 2	02 years One every year
	Saafa of muslin 8 meters in length.		2	One every year.
	Fifteen of Red salu 1.37 metres (for Sikhs) Punjab Prisons (P.Pr) pattern badges of silver metal to be worn in the centre of the band in front.			
2.	Tunic- woollen serge.	Police pattern / Khaki	1	03 years
3.	Trousers- woollen serge	Police pattern / Khaki	1	03 years
4.	Shirt-poplin	Police pattern / Khaki	2	One every year
5.	Tie	Khaki	1	03 years
6.	Shoes	Brown	1 pair	One year
7.	Socks- Nylon	Khaki	2 pair	One year 6 months
8.	Belt-samborwnbelt with silver mountings	Police pattern / Khaki	1	When unservice-able.
9.	Jersey-Woolen	Police pattern / Khaki	1	03 years
10.	Jacket	Police pattern / Khaki	01	05 years

11.	Whistle with whistle-cord (Khaki lanyard)	---	01	When unservice- able.
12.	Rain coat	Khaki	01	05 years
Summer				
1.	Shirt	Police pattern / Khaki	02	One every year
2.	Trousers	Police pattern / Khaki	01	02 years
3.	Socks cotton	Khaki	01	01 Year

- 44.05. Rank and badges of Non-Gazetted Officers.**-Badges of rank, shall be of silver metal of police pattern. Officers shall wear the badges of their rank on the shoulder strap as under:

Serial No.	Rank	Badges
1.	Senior Assistant Superintendent	Three Stars and a red and blue striped ribbon at the outer end of shoulder straps with brass block letter "P.Pr." at the base of the shoulder straps
2.	Assistant Superintendent	Two Stars and a red and blue striped ribbon at the outer end of shoulder straps with brass block letter "P.Pr." at the base of the shoulder straps
3.	Sub Assistant Superintendent	One Star and a red and blue striped ribbon at the outer end of shoulder straps with brass block letter "P.Pr." at the base of the shoulder straps

- 44.06. Other Ranks.**-At the time of appointment of Head Warder/ Warder, the official shall be provided with uniform free of charge at the following scale and each article of the uniform shall be replaced with a new one on the expiry of the period as indicated below:-

Winter				
Serial No.	Item	Pattern/ Colour	Number	Life
1.	Angola shirt	Serge Woollen Khaki	1	02 years
2.	Trouser	Serge Woollen Khaki	1	02 years
3.	Jersey	Khaki	1	03 years

4.	Jacket	Police pattern/ Khaki	1	05 years
5.	Rain Coat	Khaki	1	03 years
Summer				
1.	Shirt Half sleeves	Police pattern/ Khaki	2	One every year
2.	Trouser	Police pattern/ Khaki	2	One every year
3.	Short Terrycot	Police pattern/ Khaki	2	One every year
Both Seasons				
1.	Turban- 5 metres long	Police pattern/ Khaki	02	One Every year
2.	Muslim cloth 03 metres long and 11 inches wide to be worn under the turban		01	01 year
3.	Barret Cap for non-Sikhs	Khaki	01	01 year
4.	Ammunition shoes	---	01 pair	07 years
5.	Shoes	Black	01 pair	01 year
6.	Whistle with whistle-cord (Khaki lanyard)	---	01	When found Unserviceable
7.	Shoulder badges "P.Pr."	---	02	
8.	Waist-belt-leather brass clasp with the letter P.Pr. and permanent No. of Head warder/Warder embossed thereon to be worn over trousers.	Black	01	10 years

NOTE 1: Service Revolver/ Pistol is the part of the Uniform of Executive staff upto the rank of Inspector General of Prisons. It must not be carried by them beyond the deori of the prison.

NOTE 2: After completion of 10 years of service, a warder with unblemished service during last five years, shall also wear one chevron on both sleeves above the elbow, after authorization by head of the department. Chevron shall consist of blue braid on red base.

NOTE 3: After completion of 15 years of service, a warder with unblemished service during last five years, shall also wear two chevrons on both sleeves above the elbow, after authorization by head of the department. Chevrons shall consist of blue braid on red base.

NOTE 4: The uniform of a head warder shall be the same as prescribed for warders. Head Warder shall also wear three chevrons on both sleeves above the elbow. Chevrons shall consist of blue braid on red base.

44.07. Uniform of Matron.-At the time of appointment of Head Matron or Matron, the official shall be provided with uniform free of charge at the following scale and each article of the uniform shall be replaced with a new one on the expiry of the period as indicated below:

Serial No.	Articles to be supplied	Pattern or Colour	Number of items	Life
Winter				
1.	Woollen shirt or blouse (long sleeves)	Khaki	01	02 years
2.	Woollen salwar or trousers	Khaki	01	02 years
3.	Chaddar (2x1/2 meters) or Scarf	Khaki	02	One every year
4.	Jersey woollen	Khaki	01	03 years
5.	Jacket	Police pattern/ Khaki	01	03 years
6.	Socks Nylon	Khaki	2 pair	One every year
7.	Rain coat	Khaki	01	03 years
8.	Shoes leather	Black	1 pair	01 year
9.	Leather belt with fitting for whistle	Black	01	10 years
10.	Whistle with whistle strap	---	01	When found unserviceable
Summer				
1.	Shirts (half sleeves) or blouse, terrycot	Khaki	02	One every year
2.	Terrycot salwar or trousers	Khaki	02	-do-
3.	Dupatta malmal (2x1/2 meters)	Khaki	02	One every year
4.	Kit box	---	01	When found Unserviceable

NOTE 1: A kit box of standard size and pattern shall be supplied to every Warder and Matron.

NOTE 2: After completion of ten years of service, a Matron with unblemished service during last five years, shall also wear one chevron on both

sleeves above the elbow, after authorization by head of the department.
Chevron shall consist of blue braid on red base.

NOTE 3: After completion of fifteen years of service, a Matron with unblemished service during last five years, shall also wear two chevrons on both sleeves above the elbow, after authorization by head of the department. Chevrons shall consist of blue braid on red base.

NOTE 4: The uniform of a Head Matron shall be the same as prescribed for Matrons. Head Matron shall also wear three chevrons on both sleeves above the elbow. Chevrons shall consist of blue braid on red base.

44.08. Training Kit during Basic or Induction training.—Officials deputed for basic or induction training shall be issued with following additional items of uniform as basic training kit:—

Serial No.	Articles to be supplied	Number of items
1.	P.T. Shoes	01 Pair
2.	P.T Socks (Brown, Long)	02 Pairs
3.	V-shape Banian (White) vest	02 Pairs
4.	Web Belt with Brass Buckle (Niwar Waist Belt)	01
5.	White Handkerchief	02
6.	Ground Sheet	01
7.	Bed Sheet (White)	01
8.	Balgam V-shape instead of V-shape Banian (White)	02
9.	Green Cloth	01 Mtr
10.	All other articles to be worn while attending classroom sessions as specified by the Head of Department through a standing order.	01

44.09. Muster pattern of all uniform items to be prescribed.—(1) To maintain uniformity of pattern, design, color and turnout, one sample of the muster pattern as specified by the Head of Department through a standing order, shall be displayed in each prison for reference purposes.

(2) Officer in charge of a prison or the head of any unit shall be responsible for ensuring all prison officers wear uniforms as per the prescribed muster pattern.

44.10. The washing, mending of uniform and custody of uniform during leave of an officer.—(1) Each individual official shall be responsible for cleanliness and upkeep of all items of his uniform at his expense.

(2) When an officer goes on leave, he shall make his own arrangements for the custody of his uniform.

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- 44.11. Prison Armory.**-A special room near the main gate shall be set apart for storing the arms and ammunition, it shall be furnished with suitable racks for keeping all types of arms, pegs and accoutrements.
- 44.12. Rules for Prison Armories.**-The rules related to prison armories are as follows:-
- (i) The armory shall be damp proof and shall be kept scrupulously clean at all time.
 - (ii) A brush or broom shall be kept inside the armory for cleaning purposes.
 - (iii) No unauthorized person shall at any time be permitted to enter the armory.
 - (iv) The official in charge of the armory shall ensure that it is clean and securely locked.
 - (v) The armory shall not be opened during, or on the approach of, a storm except in the case of extreme emergency.
 - (vi) Smoking inside the armory is strictly prohibited.
 - (vii) Boxes containing ammunition or arms shall not be thrown down or dragged along the floor.
 - (viii) Empty boxes or loose packing materials shall not be kept in the armory.
- NOTE:** The prison armory is not to be used for the storage of dynamite or any explosive except ammunition.
- 44.13. Purchase or supply of arms and ammunition.**-Provision related to supply of ammunition and repair of arms are as follows:
- (i) Indents for purchase/ supply of new arms and ammunition as ascertained by the Head of Department from time to time, shall be submitted to the Government.
 - (ii) The scale of ammunition per officers shall be as approved by the Head of Department.
- 44.14. Disposal of cartridge cases and repair of arms.**-(1) Unserviceable ammunition, empty cartridge cases and lead shall be returned to the arsenal.
- (2) Whenever any arm supplied by the Ordnance Department need repair, the officer in charge of prison having inspected the stores and found them repairable, shall enter it in the designated form, and shall submit to the arsenal on which the prison is relied upon, through the Head of Department.
- 44.15. Fire arms to be numbered and placed in the charge of an officer.**-Every firearm shall be numbered and placed in the special charge of designated officer.

- 44.16. Firearms to be kept in a special place and ammunition should be in readiness.**-Each firearm shall have a special place assigned to it in the arms rack and should bear a particular number so that every officer can find it readily. The firearm when not in use shall be kept in its designated place.
- 44.17. Inspection of arms, accoutrements and ammunition.**-All arms accoutrements and such ammunition that are kept out for emergent use, shall be inspected daily by the Head Warder in charge of the armory and by the officer in charge of prison, and Deputy Superintendent (Administration) on a weekly basis.
- 44.18. A list of arms that needs to be sent to the Head of Department.**-On the first day of December of each year, a list of arms and accoutrements in the stock, shall be submitted for information to the Head of Department with remarks about their condition and the quantity of each type of ammunition in the store.
- 44.19. Drill Practice and weekly inspection parade.**-(1) Any Deputy Superintendent or Assistant Superintendent who has acquired a sound knowledge of drill and is qualified to drill the guard shall attend the drill parade which shall take place at every prison, ordinarily on Wednesday of every week. On these occasions, the whole establishment is required to undergo drill-training and should remain available for the purpose. The whole exercise shall be inspected by and taken place in the presence of officer in charge of the prison.
- (2) At the weekly inspection parade, the officer in charge of prison shall make a close examination of the arms, accoutrements, etc. and shall satisfy himself that they are clean and are in good order. The officer in charge of prison shall also ensure that whether the guard has properly turned out and whether the men are clean in person.
- 44.20. Instructions for saluting superior officers.**-The following instructions in regard to saluting superior officers shall be observed:-
- (i) For Deputy Superintendents, Senior Assistant Superintendents and Assistant Superintendents:-

Officers to be saluted	When on parade armed with sword at ward of command	When not on parade	If drilling with warders in the ranks
Superintendent, official and non-official visitors, and Superior officers of Government	Shall salute with sword at command.	Shall stand at attention and salute with hand.	Shall present arms at word of command.

(ii) For Sub Assistant Superintendents, Head Warders and Warders:-

Officers to be saluted	When on parade armed	When passing armed	When passing unarmed
Superintendent, Official and Non-official visitors, and superior officers of Government	Shall be halted and present arms at word of command.	Shall slope arms. If marching in squad shall do so at word of command.	Shall salute with hand in military fashion.
Deputy Superintendent	Shall slope arms at word of command	Shall slope arms. If marching in squad shall do so at word of command.	Shall salute with hand in military fashion.
Senior Assistant Superintendent	-do-	-do-	-do-
Assistant Superintendent	-do-	-do-	-do-

(iii) The gate sentry shall salute the Deputy Superintendent Gr-II by coming to attention on his approach and to any officer superior to the Deputy Superintendent including every official and non-official visitor, he shall present arms.

(iv) A sitting Warder shall, when any of the officer approaches, rise and stand at attention. Before addressing an officer, he shall stand at a distance of two paces from him and salutes with the right hand. He shall also salute while withdrawing.

44.21. Swords and firearms not to be taken into the prisons.— The Swords and firearms shall not be taken inside a prison under any circumstances whatsoever except under the following circumstances:

- (i) Through a specific order by the Head of Department for the sentry on duty at the central tower of any particular prison, or a class of prisons. At no occasion shall there be less than two armed personnel deployed at the central tower at any point of time.
- (ii) During alarm parades or under the express order of the Superintendent or Deputy Superintendent (Administration), in times of emergency.

44.22. Training Establishment.—For the training and development of prison officers, the Prison Department shall establish such training institutes as may be required for organizing training courses for all cadres of prison personnel throughout the year. The curriculum of the training school shall be reviewed from time to time in

order to keep the same in tune with operational requirements of the department, international and national standards and best practices to meet the objectives of reformation and rehabilitation of prisoners.

44.23. Basic Training.-(1)On recruitment, all directly recruited prison officials i.e. Deputy Superintendent Grade-II, Assistant Superintendent, Warder and Matron shall undergo a basic training course. In no case, a newly recruited prison personnel may be deputed on any active duty at prisons. The probation period of a newly appointed prison personnel shall not be treated as completed, till such time he undergoes and successfully completes the prescribed basic training.

(2) All directly recruited prison officials shall undergo a compulsory basic training after their recruitment at the Punjab Jail Training School, Patiala or any other training facility as decided by the Head of Department. The focus of the basic training shall be to impart all-round competencies to the officials to meet the field requirements, particularly operational fitness, maintenance of discipline, knowledge of laws and procedures and handling of emergencies.

44.24. Staff development and pre-promotion training.-Training is a continuous process and it is paramount that prison officers are in constant touch with current developments in the field of correctional administration. In order to achieve this, compulsory pre-promotion training programmes shall be organized for various ranks of prison officers.

44.25. Promotion from one rank to another.-Promotion from one rank to another shall be effected by selection on the basis of seniority tempered with merit wherever prescribed.

44.26. Promotional courses.-(1) No official from the rank of Warder or Matron and upto the rank of Senior Assistant Superintendent shall be promoted to the next rank unless having successfully completed and passed the prescribed promotion course. There shall be five levels of promotional courses for the promotions of prison officers as mentioned below:-

Serial No.	Promotion course	Purpose
1.	Level I	For promotion of Warders to Head Warders
2.	Level II	For promotion of Head Warders to Sub Assistant Superintendent
3.	Level III	For promotion of Sub Assistant Superintendent to Assistant Superintendent
4.	Level IV	For promotion of Assistant Superintendent to Senior Assistant Superintendent

5.	Level V	For promotion of Senior Assistant Superintendent to Deputy Superintendent Gr-II
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Note: Till such time, the post of Sub-Assistant Superintendent and Senior Assistant Superintendent are not revived and sanctioned, Promotion Course Level II shall be used for the promotion from the rank of Head Warder to the rank of Assistant Superintendent, and Promotion Course Level IV shall be used for the promotion from the rank of Assistant Superintendent to Deputy Superintendent Grade II.

(2) The duration and syllabus for promotion courses shall be finalized and revised by the Principal, Punjab Jail Training School, Patiala with the approval of Head of Department.

(3) Atleast one promotion course of each level (as applicable), shall be conducted every year. In the month of January every year the Prison Headquarters shall notify the number of seats available in each promotion course to be conducted during the year. The number of seats shall be calculated on the basis of existing vacancies in a particular rank and vacancies that are likely to be created within one year, with a twenty percent reserve. While calculating the reserve, the officers who have already passed the promotion course and are awaiting promotion shall be taken into account. The number of seats in each promotion course shall be calculated as below: (no. of existing vacancies) plus (no. of vacancies likely to be created within one year) plus (20% reserve) minus (no. of officers who have already passed the promotion course but are not promoted).

(4) The overall result of participation in any promotion course shall only be graded as pass or fail, and the merit of an individual officer in the final result of a promotional course shall not impact the seniority in any manner except that of Warders and Matrons who are promoted through a competitive examination process. An officer shall be required to score a minimum 50% in each subject to be declared pass in a subject. To be declared passed in a particular promotion course, the officer shall need to pass all outdoor and indoor subjects.

(5) Candidates who fail to pass a promotion course, shall be given upto a maximum of five additional opportunities to pass those parts of the course in which they have failed. The seniority of an officer who fails a promotion course shall be re-fixed from his date of actual promotion to that rank. However, inter-se seniority amongst officers getting promoted on a particular date shall be as per the inter-se seniority in the previous rank. Such officer shall have no claim to be placed along with the batch of officers with whom he had originally undergone the promotion course. If he does not pass the course in the five additional opportunities, then he shall be required to undergo the complete promotional course

again and pass as per aforesaid provisions.

(6) Promotion courses are compulsory qualifying conditions for promotion and no exemption shall be permitted. Provided that such temporary exemption can be given by the Head of Department through a written order after recording reasons for the same either on his own or based on recommendation of the controlling authority. This shall ordinarily be provided for on a proposal moved through the controlling authority.

NOTE: In cases where, due to circumstances beyond the control of officer concerned, exemption to an officer is granted by Head of Department through a written order after recording reasons for the same, the inter-se seniority of such officer shall be fixed with reference to the original batch with whom he had to originally undertake the promotion course. Exemption under exceptional circumstances can only be given once in each rank. In case an officer is unable to undergo the promotional course for the second consecutive time, his seniority shall be fixed from the date of actual promotion.

44.27. Conduct of Competitive Examination (A-1 Test) for placement of Warders and Matrons on List 'A'.-(1) In order to recognise, acknowledge and promote officials at the rank of Warders and Matrons, which form the bulwark of the security set-up of the Prison Department, thirty percent (30%) of the posts in the rank of Head Warders and Head Matrons respectively, shall be filled on the basis of merit determined through Competitive Examination (hereinafter referred as A-1 Test) conducted by a Departmental Promotion Committee. The Competitive Examination (A-1 Test) shall consist of the following:-

- (i) Examination of service record
- (ii) Examination in the following:-
 - (a) Parade and physical endurance test.
 - (b) Written test to assess the understanding of practical work of prison administration, laws and rules related to prisons, knowledge of computers, etc.

(2) The exact weightage of the components of the Competitive Examination (A-1 Test), mentioned in sub-rule (1) above, and the methodology to conduct the same shall be established through a Standing Order of the Head of Department with the approval of the Government. This Standing Order shall be published at least one month prior to the conduct of the A-1 Test.

(3) The said number of Warders/Matrons on the basis of their merit as determined through the A-1 Test, shall be placed on preparatory promotion list to

be known as List 'A'. On the basis of their ranking in List 'A', they shall be sent to undergo Promotion Course Level-I. The number of Warders/Matrons to be brought to list 'A' shall be as per the criteria described in sub part (3) of Rule 44.26.

(4) An officer at the rank of Deputy Inspector General of Prisons shall be nominated by the Head of Department, to act as Chairman of the Board, who shall be assisted by two more members, of the rank of Superintendent of Central Prisons, to conduct the competitive exam, every year. The Head of Department shall convene the Board and ensures that the competitive exam be conducted sufficiently prior to the conduct of the Promotion Course Level-1.

44.28. Eligibility of Warders and Matrons for candidature in competitive examination (A-1 Test) for placement on List 'B', preparatory to promotion.-The officers aspiring for promotion through this competitive examination (A-1 Test), shall be eligible to participate, provided that:-

- (i) The Warder/Matron must have completed five years of service on 1st January of the year in which the exam is to be conducted and must have passed the Basic/Induction Training Course for Warders/Matrons.
- (ii) The candidate appearing for this test must not have received a charge-sheet in a departmental inquiry for major punishment pending against him at the time of consideration. Any proceeding for minor punishment must be concluded by taking the matter on priority before finalization of list 'A'.
- (iii) A candidate must not have been awarded a major punishment within a period of 5 years preceding the first day of January of the year in which the selection is performed or a minor punishment within a period of 2 years preceding the first of January of the year in which the selection is performed.
- (iv) No candidate shall be allowed to appear for Competitive Examination (A-1 Test) more than five times during his entire service. Each attempt shall be entered in his service book and serve as a record for future reference.
- (v) There shall be no age limit for competing for the test but any person of or over 40 years of age must be certified as medically fit to undergo the physical endurance test.
- (vi) The officers expecting entry to the promotion list on account of seniority, shall also be eligible to participate in the competitive exam. If in a particular year, their turn to be placed on the promotion list does not get matured they can be so placed on the basis of the merit of competitive exam.
- (vii) The inter-se seniority of Warders/Matrons undergoing Promotion Course

Level-1 shall be fixed as follows:-

- (a) Warders/Matrons undergoing the Promotion Course Level-1 who are selected on the basis of seniority shall be placed above those selected through the competitive examination (A-1 Test) in the same batch, and on successfully passing the Promotion Course Level-1, shall retain the same inter-se seniority as in the rank of Warder/Matron.
 - (b) Warders/Matrons who are selected through A-1 Test and are successful in passing the Promotion Course Level-1, shall be placed, in the inter-se seniority list, below those undergoing the Course on the basis of seniority.
 - (c) Inter-se seniority of Warders/Matrons who are selected through the A-1 Test shall be determined on the basis of merit in the Promotion Course Level-1.
- (viii) All Warders or Matrons who are selected through A-1 Test and are successfully passing the Promotion Course Level-1, shall be placed in a promotion list known as List-B.
- (ix) An officer, who clears the competitive exam in a particular year, shall be placed below to those in List B who have already cleared the Course in previous year(s), and are awaiting promotion.

44.29. Seniority based promotion.-Except 30% vacancies of Head Warders and Head Matrons to be filled through Competitive Examination (A-1 Test) amongst Warders and Matrons respectively, all other vacancies in all the ranks are to be filled through promotion based on seniority-cum-merit.

44.30. Repeal and savings.- (1) The Punjab Jail Manual and all other relevant orders, notifications and instructions issued in this behalf, are hereby repealed.

(2) Notwithstanding anything in such repeal, anything done or any action taken under the rules, orders, notifications and instructions so repealed, which are not inconsistent with the provisions of these rules shall be deemed to have been done or taken under the corresponding provisions of these rules.

44.31. Interpretation clause.- If any question arises as to the interpretation of these rules, the Government shall decide the same.

VIJAY KUMAR JANJUA,
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Department of Jails.